

THE COMPLEAT
HISTORY

OF

Tanner. 319

Independencie



UPON THE

PARLIAMENT

Begun 1640.

20

By *CLEM. WALKER*, Esq;

Continued till this present year 1660. which
fourth Part was never before published.

Horat.

Spe Metuque procul.

L O N D O N,

Printed for *John Williams* at the *Crown* in St. Paul's
Church-yard, 1661.

Thom. Tanner

RELATIONS

AND

OBSERVATIONS,
HISTORICAL and POLITICK,
upon the PARLIAMENT
begun *Anno Dom.* 1640.

Divided into II. Books :

- 1. The Myſtery of the two Junto's,
Presbyterian and Independent.
- 2. The History of *Independency*, &c.

TOGETHER WITH
An APPENDIX, touching the Proceedings of the *Independent Faction* in
SCOTLAND.

P O L I B.

*Historici est, Ne quid falsi, audeat dicere :
Ne quid veri, non audeat.*

H O R A T.

Spe, metuque procul.

Printed in the Year 1648.

8 N O T E S

1. The first thing I noticed when I stepped out of the plane was the fresh air.

It was a relief after the stuffy cabin of the aircraft.

The sun was shining brightly, and the birds were singing.

I felt a sense of freedom and peace as I walked along the path.

The flowers were in full bloom, and the grass was green and lush.

I took a deep breath and felt my worries melt away.

The world was so beautiful, and I was so lucky to be here.

I walked for hours, enjoying every moment of the journey.

The path led me to a small stream, where I sat and listened to the water.

The sound was soothing, and it reminded me of home.

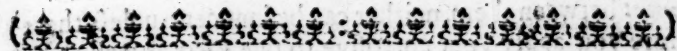
I stayed there until the sun set, and the stars came out.

I was so happy and content, and I knew that this was my chance.

They take upon them to make Princes beholding to their violent wresting of the Text, to bestow upon them whatever Prerogative the Kings of *Juda* or *Israel* used or usurped; as if the judicials of *Moses* were appointed by God for all Commonwealths, all Kings: as a good Bishoprick or Living is fit for every Priest that can catch it. These men having their best hopes of preferment from Princes, make Divinity to be but *Organon Politicum*, an instrument of Government; and harden the hearts of Princes, *Pharaoh*-like: Kings delight to be tickled by such venerable, warrantable flattery. Sir, you have more means to prefer them than other men, therefore they apply themselves more to you than other men do. *Tu facis hunc Dominum, te facit ille Deum*. The King makes the poor Priest a Lord, and rather than he will be behind with the King in courtesie, he will flatter him above the condition of a Mortal, and make him a God Royal. Sir, permit me to give you this Antidote against this poyson; let an Act be past, *That all such Divines, as either by Preaching, Writing, or discoursing, shall advance your Prerogative and Power above the known Laws and Liberties of the Land, forfeit all his Ecclesiastical preferments ipso facto, and be incapable ever after, and for ever banished your Court*. But above all learn to trust in your Judgment: *Plus aliis de te quàm tu tibi credere noli*: God hath enabled you to remember things past, to observe things present, and by comparing them together to conjecture things to come; which are the three parts of Wisdom that will much honor and advantage you. God keep your Majesty; so prays

Your humble Subject,

THEOPH. VERAX.



To his Excellency Sir THOMAS FAIRFAX,
and the A RMY under his Command.

MY Lord and Gentlemen, I have here by way of *Preparation* laid open to your view, those *Ulcers* which you have undertaken to cure, viz. The 2 *Factions* in *Parliament*, Authors of *Schismes* and *Divisions* in the two *Houses*, from whence they are derived to the whole *Kingdome*; to the obstructing of justice, and of the establishment of our *Laws*, *Rights*, *Liberties* and *Peace*; the enslaving of the *Parliament* it self, and the dilapidating of the *Publick Treasure* whereby the whole *Kingdom* may be enfranchised, secured, and united; and the *King* and his *Posterity* settled in His due *Rights*; which is the sum of all your undertakings in your many reiterated Papers. I confess a *Herculean* labour, and far beyond his clensing of the *Augean Stable*; That was performed by an *Arm of flesh*, this cannot be effected without an extraordinary calling (for ordinary calling thereto you have none, and God seldom blesteth a man out of his calling) and though an heroick heat and zeal may go far, yet it will tire many miles on this side the work, unless it be blown and inspired with divine breath. And as *Alchymists* say of the *Philosophers Stone*, so I of this work (which is the *Philosophers Stone* in our *English Politicks*) it cannot be effected but by a man of wonderfull and unspotted Integrity and Innocency; free from all *Fraud*, *Self-seeking*, and *Partiality*. In order to this great work you have already begun to sift and winnow the *House of commons*, by charging 11 *Presbyterian Grandees*; who if they be proved guilty, must needs have their counterpanes equally faulty, even to a syllable; in the opposite Junio of *Independents*; for when two factions shall conspire to toils & keep up the golden ball of Government, Profit & Prefer-

Representa-
tion p. 6.
sect. 2.

p. 14. sect. 7.

ment between them, neither can be innocent; unless therefore you apply your corrosive to one *Ulcer* as well as the other, you will never work a compleat cure, nor will be free from scandal and appearance of faction or design (that I may use your own words) to weaken only one party (under the notion of unjust or oppressive) that you may advance another more than your own. Besides, it is observed that you speak but coldly to have the publick accounts of the Kingdom Stated; putting it off with a wish only, as if you did secretly fear, what the Presbyterians openly say, That the Independents are guilty of more Millions than their party: your own words are, *We could wish the Kingdom might both be righted & publicly satisfied in point of Accounts for the vast sums that have been Leavied; as also for many other things, &c. But we are loath to press any thing that may lengthen dispute.* Are so many Millions to be cursorily passed over without dispute? were they not the blood and tears of the exhausted people, and the milk of their Babes; are they not like *Achan's* wedge amongst us? would it not much ease the people of burthens, and go far in the payment of Souldiers and publick debts, to have both the *Kings* and the *Parliaments* sponges (of what party and profession soever) squeezed into the common Treasury whensoever the Commonwealth settles? Review this clause well, and as the Parliament hath altered some Votes for you, so do you alter this clause for the people, who long not only to see the Kingdom, but also our new-made Gentlemen in *stau quo prius*. Gentlemen, you that will give Counsel will take it without offence, against him that dares lay as good claim to justice and honesty as your selves.

THEODORUS VERAX.

The

The Mystery of the Two Juntoes, Presbyterian and Independent, with some Additions.

THe Kingdom being overgrown with *Prerogative, Corruption* and *Superstition*, (the fruits of a long and lazie peace) by a long discontinuance of Parliaments; at last by Providence his Majesty was necessitated to call a Parliament, the onely Colledge of Physicians to purge the much-diltempered body of the Common-wealth.

In this Parliament a contest between the *Kings Prerogative* and the *Peoples Laws and Liberties* begat a War. The *Divines* on both sides, out of their Pulpits, sounding Alarum thereto; and not onely *Sermons*, but *Declarations of Parliament* and *National Covenant*, holding forth to the people the defence of Religion, Laws, Liberties and Properties inflamed the people to the rage of batrel, as the Elephant is enraged at the sight of Red. This War occasioned extraordinary Taxes and Leavies of money, such as were never heard of by our Ancestors, and were *Irritamenta malorum*, the nurse of our corruptions.

This incentive working upon the humane frailty of the speaking and leading Members of the Houses, caused them first to interweave their particular interests and ambitions with the publick, and lastly to prefer them before the publick.

Wherefore the said *leading men* or *Grandeers* (for that is now Parliament language) first divided themselves into *two factions* or *Juntoes*, *Presbyterians* and *Independents*; seeming to look onely upon the Church, but (Religion having the strongest operation upon the spirit of man) involved the interests of the Common-wealth.

The common people of the two Houses following (with an implicate faith and blind obedience) the example of their leaders, divided themselves also into the said Dichotomy; which they did with more seriousness than their leaders, as not perceiving any thing of design therein; but according to the diversity of their Judgments, or rather Fancies and Confindings (for to resign a
mans

1.

2.

3.

Grandeers.

4.

Factions.

5.

mans judgment to the opinion of another man is but a silly trust and confidence) studied the upholding of their parties with earnestness; whilst the *Grandees* of each party in private close together for their own advancement, serving one anothers turn.

6. The *Grandees* (in all publick debates) seem as real in their reciprocal oppositions, as those silly ones who are in earnest, whereby they cherish the zeal of their respective parties, keep them still divided (*Divide & impera* is the Devils rule) and so amuse them, and take them off from looking after other interests, in which, were they conjoynd, they might share with the *Grandees* themselves : and for the better contentment of such their Confidants, as looking too intently after their own gain, the *Grandees* of each *Junty* confer something of advantage upon those that are subservient unto them, as five pounds a week, or some petty employment.

7. The seeds of these factions spread themselves into the Commonwealth and Armies, as Rheum distils from the head into all the body.

8. Thus the leading men or Bel-weatheres having *seemingly divided themselves*, and having *really divided the Houses*, and captivated their respective parties judgment, teaching them by an implicate faith, *Jurare in verba Magistris*, to pin their opinions upon their sleeves ; they begin to advance their projects of Monopolizing the Profits, Preferments and Power of the Kingdome in themselves. To which purpose, though the leaders of each party seem to maintain a hot opposition, yet when any profit or preferment is to be reached at, it is observed that a powerful Independent especially moves for a Presbyterian, or a leading Presbyterian for an Independent ; and seldom doth one oppose or speak against another in such cases, unless something of particular spleen or Competition come between, which causeth them to break the common Rule. By this means the *Grandees* of each faction seldom miss their mark, since an Independent moving for a Presbyterian, his reputation carries the business clear with the Independent party ; and the Presbyterians will not oppose a leading man of their own side. By this artifice the *Grandees* of each side share the Common-wealth between them ; and are now become proud, domineering *Rehoboams*, even over the rest of their fellow

fellow Members, contrary to the liberty of Parl. which consists in an equality) that were formerly fawning ambitious *Absoloms*.

There hath been lately given away to Members openly (besides innumerable and inestimable private cheats mutually connived at) at least 300000*l*. in money, besides rich Offices, Employments in money Committees, Sequestrations, and other advantages. And those Members who have so well served themselves, under colour of serving the publick, are, for the most part, old Canvassers of Factions, who have sat idly and safely in the House, watching their advantages to confound busineses, and shuffle the cards to make their own game, when others that have ventured their persons abroad, labour'd in the publick work, like *Israelites* under these *Egyptian* task-masters, and lost their estates, are left to serve untill they can find relief in that empty bag called by fools, *fides Publica*, by wise men, *fides Punica*, and are now looked upon in the House superciliously, like unwelcome guests, for it is known how malignantly, and how jugglingly writs for new Elections were granted and executed, and called *younger brothers*, and like younger brothers they are used, their elder brothers having slipped into the World before them, and anticipated the inheritance; they have broken first into the common field, and shut the door to prevent after commers even from gleanings after their full harvest, for the better effecting whereof, they have now mortgaged, in effect, all the means they have to raise money, unto the City, and being themselves fat and full with the publick Treasure, to express rather their scorn than care, they are making an Ordinance that no more money shall be given to their Members, and yet to shew how carefull they are of all such as have *cheated* the Commonwealth *under them*, I will not say *for them*, they have taken advantage of the Petition of the Army, wherein they desire Indemnity for all acts done in Relation to the War, and have passed an Ordinance of Indemnity for all such as have acted by *Authority*, and *for the service* of the Parliament, wherein, under great penalties, and with an appeal at last from the Judges of the Law to a Committee of Parliament, such as have gone beyond the Authority given by Parliament, and sequestred men unjustly, and so withheld their goods under pretence thereof, and such as have leaved Taxes three or

four times over, are quit from private actions, and the benefit of Law and Justice taken from the oppressed, to secure *Country Committees, Sequestrators* and others (not *Prerogative* but *Legislative*) *Thieves*, contrary to *Magna Charta*, which says, *nulli negabimus, nulli differemus justitiam, aut rectum*; We will deny, nor defer justice and right to no man. Oh prodigious acts, and of greater Tyranny than any King ever durst adventure upon. What is become of our National Covenant, and the Parliaments many Declarations for defence of Laws and Liberty? Or have we fought our Liberty into slavery? By these devices the *honest middle men* of the House (whose Consciences will not let them joyn in any faction to rend the Commonwealth in sunder) are out of all possibility of repair, and made contemptible as well by their own wants, as the pride of the *Grandeens*: and in the end, their poverty will enforce them to leave the sole possession of the House to these *thriving Junco men*, who do beleaguer them therein, making them (for farther addition to their losses) pay all taxes, from which the thriving men go free: so that the poorer part of the House pays tribute to the richer. Nay it is farther whispered, that at last the *Junco men* will quit the Parliament Privilege of not being sued, purposely to leave these younger Brothers to the mercy of their creditors, and disable them to sit in their House.

10.
Committees
of the House
speaks.

Another ambitious aim of those *Junco men* is, their devise of referring all businesses of moment to *Committees*. For the active speaking men by mutual agreement naming one another of every Committee (or at least their confident Ministers) do thereby *fore-stall and intercept* the businesses of the House, and under colour of examining and preparing matters, they report them to the House with what glosses, additions, detractions, and advantages they please; whereby the House (judging according to their report) oftentimes mis-judgeth, and if it be a business they are willing to smother, the Committees have infinite artificial delays to put it off, and keep it from a hearing, or at least from reporting. By this means the remaining part of the House are but Cyphers to value, and Suffragans to ratifie what is forejudged by the said Committees. This usurpation of theirs is much helped by keeping the doors of their Committee-rooms shut, and dispatching all affairs privately and in the dark; whereas Justice de.

delights in the light, and ought to be as publick as the common air, it being against its nature to be Chambered up, and kept from the observation of eye, and ear-witnesſes.

And by their examining of men against themselves, contrary to *Magna Charta*, they much enlarge their power.

Parts of this project we may well call the *Multiplicity of money-Committees*, as Goldſmiths-hall, Haberdashers-hall, the *Money Committee of the Kings Revenues*, *Committee of the Army*, &c. *mittees*. 11

Where every mans profit and power is according to his cunning and conscience. Hereby they draw a generall dependency after them, for he that commands the money, commands the men. These Committee-men are so powerfull that they over-awe and over-power their fellow-Members, contrary to the nature of a free-Paliament; wherein the equality of the Members must maintain the freedom and integrity thereof, and suppress factions.

The like may be said of such *Members as* (in scorn of the *self-denying Ordinances*) hold Offices by gift or connivence of the Parliament, either openly in their own name, or secretly in the name of some friend. Their offices inabling them to do courtesies and discourtesies. And although there hath been a Committee appointed to certifie all pensions, sequestrations, offices, employments of advantage and profits conferred by the Parliament upon any their Members, in which Committee Mr. *Sands* holdeth the chair; yet is this meerly a formality to blind the eys of the World, and fool the expectation of some losing Members, who were then resolute to know who had already received satisfaction for their losses, and how far they had out-run their fellow-Members therein. Yet this Committee is now let fall, no reports demanded of Mr. *Sands*, and when any is to be made, they are not unprovided of a means to make it fruitless, by putting every particular to debate; well knowing, that no man will be willing to argue against the particular persons and merits of his fellow Members, and thereby heap envy upon his own head, besides the delay of a particular debate. 12.
Members holding Offices, &c.

How frequently the *Countrie Committees* act contrary to the Laws of the Land; how they trample *Magna Charta* under their Country feet; how boldly and avowedly they transgress all Orders and *Committees*. 13.

Ordinances of Parliament, and break our Solemn League and Covenant; how they ordinarily turn well-affected men out of their free holds and goods, imprison and beat their Persons, without any known charge, accuser, or witness against them; nay murder them, as in the case of Doctor *Ranleygh* killed in prison at *Welles* by the Committees Marshal; and the poor men murdered at *Bridgwater*, whose bloods were shed like the blood of a dog, and no real prosecution thereof; how frequently they leavy one Taxe three or four times over, and continue their levies after the Ordinance expire; How cruelly they raise the twentieth and fifth part upon the well-affected, exercising an illegall, arbitrary, tyrannical power over their fellow Subjects, far higher than ever *Strafford* or *Canterbury* durst advise the King to; how ignorantly and unjustly they exercise a power to *hear and determine*, or rather to determine without hearing, or hear without understanding, *private controversies of Meum & Tuum for debis, trespasses*, nay *Title and possession of Lands*, without either formality or knowledge of the Law, nor having wit, manners, nor breeding enough, as being chosen for the greatest part, out of the basest of the People, for base ends, to satisfie men with an outside, or Complement of justice: Infomuch that nothing is now more Common, than an accusation without an accuser, a sentence without a Judge, and a condemnation without a hearing. How they exclude all other Magistracy, ingrossing to themselves the power of Sheriffs, Justices of Peace, Church-wardens, &c. in an Arbitrary way; keeping Troops of Horse, upon pay and free-quarter for their guards, like the 30 Tyrants of *Athens*, and if any man but speak of calling them to give an account, they presently vote him a Delinquent, and Sequester him. If any man, I say, be so deaf as not to hear the loud universal out-crying of the people, so great a stranger in our Israel as not to know these truths, let him peruse M. *Edward Kings* discovery of the arbitrary actions of the Committee of *Lincoln*, and the heads of Grievances of *Glamorganshire*, printed 1647. where he may see these things briefly Epitomized; but to Historize them at large would require a volume as big as the Book of *Martyrs*. These Committees are excellent sponges to suck money from the people, and to serve not only their own, but also the Coverous, Malicious

licious, Ambitious ends, of those that raked them out of the dunghil for that employment, and do defend them in their oppressions; who is so blind as not to see these men have their protectors? the *Damnes* to whom they offer up part of their rapins, to whom they sacrifice

Oculi a Spolia, & plures de pace Triumphos.

If there be any intention to restore our Laws and Liberties, and free us from Arbitrary Government, it is fit these Committees and all associations be laid down, having no enemy to associate against, and that the old form of Government by Sheriffs, Justices of the Peace, &c. be re-established, and the Militia in each County settled as before in Lieutenants, and deputy Lieutenants, or in Commissioners.

The rather, because the people are now generally of opinion, They may as easily find Charity in Hell, as Justice in any Committee; and that the King hath taken down one Star-chamber, and the Parliament hath set up a hundred.

Nor is it a small artifice to raise money by so many severall and *confused Taxes*. Whereas one or two ways orderly used and well husbanded, would have done the work. 14.
Taxes.

1. Royal Subsidie of 300000 l.
2. Pole money.
3. The free Loans and Contributions upon the Publick Faith amounted to a vast incredible sum in money, Plate, Horse, Arms, &c.
4. The Irish adventure for sale of Lands the first and second time.
5. The Weekly meal.
6. The City Loan after the rate of 50 Subsidies.
7. The Assesment for bringing in the Scots.
8. The five and twentieth part.
9. The Weekly Assesment for my Lord Generals Army.
10. The Weekly (or Monthly) Assesment for Sir *Thomas Fairfax* Army.
11. The Weekly Assesment for the Scotch Army.
12. The Weekly Assesment for the British Army in *Ireland*.
13. The Weekly Assesment for my Lo. of *Manchesters* Army.
14. Free-quarter (at least) connived at by the State, because the Souldiers having for a time subsistence that way, are the less craving for their pay; whereby their Arrears growing stale, will at last either be frustrated by a tedious Committee of Accounts, or forgotten; in the mean time, the Grand Committee of Accounts discount it out of the Commanders Arrears, whereby the State saves it.
15. The Kings Revenue.
16. Sequestrations and Plunder

derby Committees, which if well answered to the State, would have carried on the work, which thus I demonstrate; One half of all the goods and Chattels, and (at least) one half of the Lands, Rents, and Revenues of the Kingdom have been sequestered. And who can imagin that one half of the profits and Goods of the Land will not maintain any Forces that can be kept and fed in *England*, for the defence thereof? 17. Excise upon all things; this alone if well managed would maintain the War; the Low-Countries make it almost their only support. 18. Fortification-money, &c. By these several ways and Taxes, about forty Millions in money and money-worth have been milked from the people; and the Parliament (as the Pope did once) may call *England, Putrum inexhaustum*; yet it is almost drawn dry. A vast Treasure, and so excessive, as nothing but a long peace could import; and nothing but much fraud and many follies could dissipate, and we ought not to wonder if it be accounted *inter arcana novissimi imperii*, to be always making, yet never finishing an account thereof.

15.
Accounts.

And as they have artificially confounded the accounts by laying on multiplicity of Taxes; so (for the same reason) they let the money run in so many muddy, obscure chanel, through so many Committees and Officers fingers, both for collecting, receiving, issuing and paying it forth, that it is impossible to make or balance any Publick account thereof; and at least one half thereof is known to be devoured by Committees and Officers, and those that for lucre protect them. By these means, as they make many men partners with them in the publick spoils, so they much strengthen and increase their party, whereby *multitudo peccantium tollit penam*.

*Accounts a-
gain.*

If these things were not purposely done, 1. Our Taxes would be fewer in number, and more in effect. 2. They would be put to run in one chanel, under the fingering of fewer Harpies, and perspicuous and true Entries made of all receipts and disbursements, which would be publick to common view and examination. The Exchequer way of accounts is the exactest, anti-entest, and best known way of account of *England*, and most free from deceit, which is almost confessed *de facto*, when, to make the Kings Revenue more obnoxious to their desires, they took

took it out of the Exchequer way, (contrary to the fundamental Laws of the Land; for both the Higher and Lower Exchequer are as ancient and fundamental as any Court in *England*) and put it under a Committee, which as all other Committees do, will render an account of their Stewardship at the latter day. In the mean time divers of that Committee buy in old sleeping Penfions, which they pay themselves from the first of their arrears; yet other men that have disbursed money out of their purses for the Kings Service, can receive no pay for any money laid forth before *Michaelmas* Term, 1643. because (forsooth) then the Committee first took charge of the Revenue. In the mean time the Kings Tenants and Debtors are deprived of the benefit of the Laws and Liberties of the subject, which before they enjoyed; all Debts and Moneys being now raised by the terrour of Pursuivants and Messengers, whose Commissions are only to distrain and levy, &c. whereas formerly the Exchequer sent out legal Process, and the Tenant or Debtor had liberty to plead to it in his own defence, if he thought himself wronged; but now New Lords, new Laws; and to countenance their doings, the Committee have gotten an addition of some Lords to them. 3. If there were fair play above board, so many members of both Houses would not be ambitious of the trouble and clamour that attends Task masters, Publicans, and such sinners as sit at the receipt of Customs, being no part of the business for which the Writ Summons, or the people choose or trust them, and whereby they are diverted from the business of the House: but would leave that employment to other men, who not having the character and privilege of Parliament upon them, will be lesse able to protect themselves and their agents from giving publick accounts of their receipts and disbursements, and from putting affronts and delays upon the Committee of Accompts, (as it is well known) some of them have done. Lastly, it is scandalous that the same men should be continued so long in their money-employments, because *Diuturnitas & solitudo corrumpunt Imperia*; and by long continuance and experience they grow so hardned, so cunning in their way, and so backed with dependencies, that it is almost impossible to trace them. And although (when we look upon the many persons employed) we cannot say there is *solitudo personarum*; yet

yet when we consider that by a long partnership in their employments they are allyed together in one common interest, they are to be esteemed but as one man, for a Corporation of men is but many men joyned together as one man, and with one mind pursuing one and the same end or interest.

16.
*Committee
of Accounts.*

And though they have a general Committee of Accompts, yet they were nominated by those Members that ought to give Accompts, and it must needs be suspicious for an Accomptant to choose those persons before whom he shall accompt. And we see (after so long a time of their sitting) no fruit thereof. Whereas the people did hope, that after so much money spent, and such great debts and arrears left to pay, (whereby they are threatned with continuance of their Taxes,) that a full and exact general accompt of all Receipts and Disbursements would have been published in Print, for their satisfaction, as is usually done in the Low-Countries, and as was once done by this Parliament, *Anno 1641.* by a Declaration of the accompts of the Kingdom.

But it may be the Synod in favour of the *Grandeess*, have voted that place in Scripture (*Render an account of thy Stewardship*) to be but Apocryphal.

17.
*Wants of the
Parliament
and how oc-
casioned.*

By these exorbitant courses, though they have drayned 40. Millions from the people, yet (as *Philip of Macedon* was said to be *Inter quodidianas rapinas semper inops*) they are fallen to such ridiculous want and beggery, that they have lately pawned almost all the security they have, for 200000*l.* to disband the Army, and enter upon the Irish employment. They have slit Goldsmiths-Hall in sunder, and given one side thereof to the City, and kept the other half thereof to themselves, and that already charged with 200000*l.* at least. So that if any sudden occasion happen, they have put their purse into the hands of the uncircumcised Jews of the City, and cannot raise one penny but by new Taxes upon the people. It was worth observing to see how officiously some of the old Stagers took leave of the Publick purse, before it came into Hucksters hands. Alderman *Pennington* had a debt of 3000*l.* he owed to Sir *John Pennington* forgiven him, (he never asked forgiveness of his sins more heartily) and 3000*l.* more given him out of Goldsmiths Hall in course; the reason of this bounty was forked or two-fold.

1. Because he hath got enough before.

2. To comfort his heart, for being left out of the City Militia. But the most observable thing was, to see this old Parliament like a young Prodigal, take up money upon difficult terms, and intangle all that they had for a security.

1. They gave way to the City to hedge in an old debt, being a loan of money after the rate of 50 Subsidies, and other old debts.

2. Whereas 200000*l.* only was the sum to be borrowed, the City enjoined them to take up 230000*l.* whereof the old 30000*l.* to be bestowed for relief of decayed occupiers of the City; so that upon the matter the Parliament pays 30000*l.* Broakage.

3. That the City may not trust the greatest unthrifts of Christendome, with laying out of their own money; they put upon them 2 Treasurers of the City, to receive and disburse it for the service for which it was borrowed; so you see they have now neither credit, money, nor a purse to put it in.

So that the *modest Members*, who have been more forward to help their Country than themselves, are left in the lurch for their losses, and exposed to the laughter of their elder brothers, the old *Junto men*, and factious leaders of the House, all being now mortgaged to the *Lombards* of the City. The thriving Members hope their younger brothers will continue as modest, as they have been, and digest all with patience; but others, and those neither fools nor knaves, hope all the *modest and middle men* of the Houses, such as are engaged in no faction, will be provoked hereby to draw into a third party or *Junto*, to moderate the excesses of the other 2. when anything prejudicial to the Commonwealth is agitated; and to call the old *Junto men*, those land Pyrats to account, making them cast up what they have swallowed, and bring it to a common *divident*, or rather to pay the Army and Publick debts, whereby the people may be eased of their pressures; nor let them be discouraged with the supposed difficulty hereof, since 20 or 30 men holding together, and observing the cross debates, and different sway of each party, may easily make themselves moderators of their differences, and turn the scales for the best advantage of the common, which way they please to cast in their Votes, since it is very rare to have any question carried by more than eight or ten voices.

Most of these *Grandeas* are reported to have, for their retreat, *save themselves* houses in the Low-Countries, richly furnished with Sequetred

C

Plate,

18.

Modest and middlemembers.

19.

Grandeas provision to

Plate, Linnen, and Stuff, and great store of money in bank for their shelter, against such stormes as their Rapine, Tyranny, and Ignorance may happily raise here amongst us. In those their retirements, these Authors of our miseries will enjoy their sins, and our spoils in security, attending an opportunity to purchase their peace at last, and betray our Safeties and Liberties to the enraged Prince and People. This is called robbing of the Egyptians; and doubtless these ambitious State-Mountebanks have brought us into darkness worse than Egyptian. The text saith, the Egyptians rose not from their places in three days; they yet knew where they were, which is more than we do, every man being out of his place and rank; the Servant in place of his Master, the Begger in place of the King, the Fool in place of the Counsellour, the Thief in place of the Judge, the cheater in place of the Treasurer, the Clown in place of the Gentleman, none but God alone can play *Dadalmus* part, and give us a Clue to lead us out of this labyrinth, into which these unpolitick *Hocas Pocasses* have brought us. These unskillfull workmen that have built up *Babel*, and pulled down *Sion*. Others are said to prepare Foreign Plantations for Retreat; to People which, Chi'd'en are ravished from their parents Arms, and shipped away; an abomination not known in *England* before, and therefore no competent Law made against it; no more than in ancient *Rome* against Paricides.

20.
Grandees
their several
interests and
designs and
strengths.

By what hath been already said, you see what the *several*, and what the *conjoynd interests* of these two *Funto's* or *Factions*, *Presbyterian* and *Independent* are; let us now consider where *their* *several strength* lies. The *Independent* groundeth his strength upon the *Army*, which if he can keep up, he hopes to give the Law to all; and to produce that great *Chymæra*, *Liberty of Conscience*: not considering that the confusion and licentiousness of such a liberty will destroy it self, *Libertas Libertate perit*. The *Presbyterians* have three *Pillars* to support them. 1. The *City* is their cheif foundation, with which they keep a strict correspondency, and daily communication of Counsels. Upon this consideration, they have lately put the Parliament Purse into the *Cities* Pocket as aforesaid; settled and enlarged the *City Militia*. Whereas all the *Countries of England* (being more obnoxious to injuries than the *City*) suffer much for want of settling their *Militia*; the Parliament not trusting them with arms, so much as for their own defence: An evident sign, there is a farther design than dis-

disbanding this Army. And because the City Militia can onely keep in awe the adjacent South and East Counties of the Kingdom; therefore to suppress the remoter parts, and enforce them to obedience, they keep up some *in-land Garrisons*, and have the Scots and G. Poyntz *supernumerary forces for the North*. And in the *West* (under colour for sending men for *Ireland*) they keep upon free quarter and pay of the Country, *many supernumerary Regiments* and Troops, most Cavaliers, at least five times as many as they really intend to transport. These are always going, but never gone, like St. George, always in his saddle, never on his way. Something ever is and shall be wanting untill Sir Thomas Fairfax's Army be disbanded; and then (it is thought) the disguise will fall off; and these supernumeraries shall appear a new modelled Army, under Presbyterian Commanders, you may be sure, and such whose Consciences shal not beseech their wits where any matter of gain appeareth; if this be not their aym, why did they not disband those lewd supernumeraries before last Winter, since they might have raised as many men the spring following for half the charge their very free quarters cost? and most of these swear they will not go for *Ireland*, vowing they wil cut the throats of the Round-heads.

The Country is amazed, fearing these Cavaliers are kept on free quarter by a Cavaleerish party for some Cavaleerish design. Secondly, why did they not rather divide Sir Thomas Fairfax Army into two parts, one to go for *Ireland*, the other to stay in *England*, being already modelled, excellently disciplined, and having the visible marks of Gods favour upon their actions? But to take a few for *Ireland*, a few for *England*, and leave a Coar in the middle to be plucked forth and disbanded, was the way to discontent them, and put them into mutiny, and thereby necessitate the Parliament to disband them all, and give an opportunity to them that seek it, to new modell another Army out of the aforesaid Supernumeraries, more pliable to the desires of the Presbyterian *Fundo*: adde hereunto the causelesse exasperating speeches and aspersions cast upon most of the Army purposely, as moderate men think, to discontent them. Thirdly, If they have no intent to keep up an Army against the People, why have they continued the Military charge for another year, and enlarged it from 52000 l. to 60000 l. a moneth?

Thus the City, *In-land Garrisons*, and *Supernumerary forces new*

modelled are like to prove the three-stringed whip, wherewith the Presbyterian *Phaetons* will drive the triumphant Chariot if they prevail; to which may be added the Presbyters themselves, who by overawing mens Consciences with their Doctrine, will subdye and work mens minds like wax to receive any impression of bondage that tyranny and oppression can set before them, as they do in Scotland, the Clergy in all times and places have ever held with the mighty, as the Jaccal hunts still with the Lion to partake of his prey; The Clergy have ever had an itch to be meddling with State affairs, which shews how contemptible an opinion they have of their own Coat, that they can find no contentment in it; yet they would have the Laity to have a reverend opinion of it; the Popish Clergy draw all Civil Affairs, publick and private, under their jurisdiction and cognisance, *quatenus* there is *peccatum* in all humane actions; the Presbyterians *quatenus* there is *scandalum* in all human actions, what is the odds? *Peccatum* is the Mother, *Scandalum* the Daughter, and both pretend they do this *in ordine ad Deum*; but universal experience teacheth us, how miserable that Commonwealth is, where the corruption of a Church-man proves the generation of a States-man.

The premises considered, I shall propound these ensuing *Quæries* to those that are of better judgement than my self.

22.
*Quæres upon
the premises.*

1. *Quære*, Why the title and punishment of Malignants is translated from the Cavaliers, who fought for regal Tyranny against the Parliament, and laid upon those that fought against regal Tyranny for the Parliament; is it not because those Cavaliers that have fought for one Tyranny, will not be scrupulous to fight for another? and such well-affected as have opposed Tyranny in one kind, will not admit of it in another? why is it now accounted a note of Malignity and disaffection to endeavour the putting down of Arbitrary Government, and re-establishing our Laws, Liberties and Properties, whereto the Parliament by their many Declarations and their National Covenant are bound? lay this to heart, and consider whether they have not changed these their first Principles, and consequently whether they are not desirous to change their old friends who resolutely adhere to the said Principles.

2. If the King grant the Propositions, or if he deny them, and the *Prædominant Junto* (or both *Junto's* joyned together, to drive on one Common interest?) for it is now thought they are upon an accommodation to keep up that lower *Conjunctim*, which

which they despair to uphold *divisim*) establish the military and civil power without him, according to their desires, and in order to their aims; *Quere*, whether the said leading men settled in their posture, with their confident guards about them, may not draw after them so many of their party as upon an implicit faith will follow them, and lick up the crumbs of the publick spoiles under their tables, expelling or disabling (as aforesaid) the disengaged Members, and by this policy make themselves perpetual Dictators, incorporating and ingrossing to themselves both the Consultive, Directive, & Ministerial power of the Kingdom in all causes Civil and Military, setting up an *Oligarchy* or popular Tyranny instead of a Regal, as the thirty Tyrants of *Athens* did. In order whereto, they already declare, 1. That an Ordinance of Parliament, without the Kings royal assent, is equal to an Act of Parliament. 2. That an Ordinance is above a Law by virtue of their legislative power: upon which presuming in their Ordinance of Indemnity, they have granted an appeal from the Judges of the Law to a Committee of Parliament; see the Ordinance May 21. 1647. 3. That they are the irrevocable Trustees of the peoples Lives, Liberties and Properties, without account, with other principles preparative to Tyranny.

3. *Quere*, Why Arbitrary and Barbarous Government by Committees and other illegal proceedings (which in time of war were used upon real or pretended necessity, and were then only excusable, because *necessitas tollit Legem*) are still continued upon us now in time of peace, no enemies troubling our quiet; and without any further pretence of necessity, contrary to their National Covenant, and all their Declarations? is it not to inure the people to servitude, and exercise their patience?

4. *Quere*, Whether the prodigious oppressions of Committees, Sequestrators, &c. and of Free-quarter, be not purposely countenanced to necessitate the people to rise in tumults, that thence occasion may be taken to keep In-land Garrisons and Armies?

5. *Quere*, Whether our Laws, Liberties and Properties, are not now as liable to an invasion from the *Legislative power*, as formerly from the *Prerogative*? considering that those who like ambitious *Absalom* courted and wooed the people in the beginning of troubles, now like haughty *Rehoboams* care not though the people complain, their little finger is heavier than the loyns of the King, the controversy between the 2 *Juntoes* being no more, than whose slaves we shall be,

6. *Quere*,

6. *Quere*, Whether if the King hereafter tread in the Steps of this Parliament, and their Committees, he will not be a greater tyrant than either the Turk, Russe, or French, and have as absolute dominion over his Subjects, as the Devil hath over damned Souls in Hel? and how dangerous these presidents may be to those Laws and Liberties which we have sworn to maintain.

23.
Middle and
moderate
Members
again.

If the *middle and disingaged men* in the House, do not speedily unite themselves into a party or *Junto*, as the factious have done, and communicate their counsels, they will be *arena sine calce*, loose and dissipated by every breath: and neither serviceable for themselves nor their Country. Whereas if they unite, twenty or thirty may become Moderators and Umpeers between both parties, (as hath been already said;) let the moderate men but consider how sad and dishonourable a thing it is, to see nothing almost of great and publick concernment come into the House, but what hath been *before hand contrived, debated, and digested* in one or both of the two *Juntos* at their private meetings, and put into so resolved and prejudicate a way and method of dispatch, that every man is appointed his part or Cue before-hand; one man to move it, and set it on foot, another to second him; one man speak to one part of the Argument, another to another part; another to keep himself to the last for a reserve, and speak to the question, which he is provided to qualifie with a distinction, or vary it, if he find it difficult to pass. Thus all publick businesses are measured by private respects; whereby it appears, that as *frequent Parl. are good Physick*, so continual Parl. are *bad food*; and the people may complain, that *qui medicè vivit, miserè vivit*. Parliaments are *Bona peritura*; they cannot keep long without corruption. Their perpetuity emboldens the Members, by taking from them all fear of being called to account, especially if they get their Sons into the Houses as well as themselves (as many have done this Parliament, and more endeavour to do) whereby they have an estate in their places for two or three lives. Moreover by long sitting they become so familiar with one anothers persons and designs, as to serve one anothers turns, to joyn interests, and to draw into factions, *Hodie mihi, cras tibi*. If you and your party will help me to day, I and my friends will help you to morrow.

24.
Conclusion
with some
complaints.

Miserima Resp. ubi majestas Imperii, & salus populi discordibus conflantur studiis. What shall we say?

En quo discordia terra—perduxit miseros?

Shall

Shall we complain to God ? God hath a controversie with us. Of whom shall we complain ? Of our selves ? we must first reform our selves : We that take upon us to reform Church and Common-wealth ; Shall we complain of our finnes ? Ask the grace of repentance first, and so ask that we may obtain. Shall we complain of our punishments ? Let us first repent, and amend our sins that caused them. Let us first pluck off the mask of hypocrisie, God will see thorough such a fantastical garment of Fig-leaves. Let us no longer make Religion a stalking-horse ; God, who is all Wisdome and all Truth, will not be deceived. If we talk like Christians, and walk like Turkes, Christ will not own us. To fast for a day, and hang our heads like bulrushes, will not reconcile us. We must fast from publique spoils, rapines, and oppression, and not drink the tears of the poor and needy. Shall we complain with the Prophets ; That our Princes are become Theeves ? that was heretofore our complaint, now we must invert it, and cry, That our Theeves (mean and base people) are become Princes. We are sick, very sick, intemperatly sick, and God hath given us a Physitian in his wrath, a Leper as white as Snow, fitter to infect, than cure us. What Physick doth he prescribe ? Poyson. What dyet ? Stones instead of bread, Scorpions instead of fishes, hard fare for them that formerly fed so daintily. Before I conclude, let me give you the pedigree of our Miseries, and of their Remedies. A long Peace begat Plenty, Plenty begat Pride, and her Sister Riot, Pride begat Ambition, Ambition begat Faction, Faction begat Civil Warre : And (if our evils be not incurable, if we be not fallen *in id temporis quo nec vitia nostra, nec eorum remedia ferre possumus*) our Warre will beget Poverty, Poverty Humility, Humility Peace again, *Sacerum reverentibus vicibus annulus vertitur Politicus*. The declining spoak of the wheel will rise again. But we are not yet sufficiently humbled, we have not repented with *Niniv*. We wear Silks and Velvets, instead of Sach-cloath and Ashes (even the meanest up-start hath his thefts writ upon his back by his Taylor in proud Characters of Gold Lace) we have not watered our Couch with our Tears, but with an adulterous sweat. Look to it therefore ye State *Incubi*, that by an incestuous copulation have begot Plenty upon War, and filled your houses with the spoyle and plunder of your dear Country ; an inundation of blood, and of the tears of the oppressed, will wash away the foundation of your houses :
And

And peace will be far from you in this World, but especially that peace which the world cannot give : And because *Salamander-like* you delight in the fire of Contention, an unquenchable fire will be your lot hereafter. And though you escape all accounts here, yet upon the great day of account when you shall receive your sentence of condemnation, those your Children for whose preferment you sell your Souls, your God for gold, shall not shew so much thankfulness or pity towards you, as to say, alas our Father ! But your hearts are hardned with *Pharaoh*, I leave you therefore to *Pharaohs* destiny, to be drowned in your own Red sea, as he was in his.

25
Resolution &
scope of the
Author.

Thus far I adventured to vindicate our Religion, Laws, and Liberties with my pen ; in discharge of my Conscience, and pursuance of our National Covenant, which obligeth us to defend them against whosoever to our power, neither knowing nor caring whether in so wicked an age (wherein vice is honoured, and vertue contemned) I may be thought worthy of punishment for being more righteous than my superiors. I know an honest man is wondred at like a monster, and the innocency of his life and conversation suspected as a Libel against the State, yet if I perish I perish ; & *pereundum in licitis* : nor am I less provided of a safe retreat than our *Grandeess*, my grave is open for me, and one foot in it already. *Contempsit omnes ille qui mortem prius*. He that contemns Death, scorns both Hope and Fear ; which are the only affections that make Knaves, Fools and Cowards of all the World. The world is a goodly Theater, we are the actors, God is Poet and chief spectator ; we must not choose our own parts, that is at Gods appointment ; one man he appoints to play the King, another the Begger ; one a Comick, another a Tragick part ; whatsoever part God hath appointed for me in this remainder of my life, I will have a care to personate it ingenuously and aptly, not doubting but my *Exit* shall be accompanied with an applause into my Tiring-room, my Tombe ; nor will I refuse the meanest part that may draw a plaudit from so excellent a spectator, but will prepare my self for the worst of evils in this worst of times, and pray to God to Reform our Reformers. *Amen*.

T H E E N D.

THE
HISTORY
OF
INDEPENDENCY.
WITH

The Rise, Growth, and Practices of that
powerfull and restlesse FACTION.

D. AMBROSIIUS.

*Nec nobis ignominiosum est pati quod passus est Christus, nec vobis
gloriosum est facere quod fecit Judas.*

TACIT.

Scelera, sceleribus, tuenda.

VIRGILIUS.

—sua cuique Deus fit dira libido.

1 St. JOHN, c. 2. v. 16.

*Quicquid est in mundo est concupiscentia oculorum, concupiscentia
carnis, aut superbia vite.*



L O N D O N,
Printed in the Year 1648.

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Reader,



Enile or ungentle, I write to all, knowing that all have now got almost an equall share and interest in this Gallimaufry or Hatchpot which our Grandee Pseudo-Politicians with their negative and demolishing Councils have made, both of Church and Commonwealth: and therefore I write in a mixed stile, in which (I dare say) there are some things fit to hold the judgements of the Gravest; some things fit to catch the fancies of the Lightest; and some things of a middle nature, applying my self to all capacities, (as far as truth will permit) because I fore-see the Catastrophe of this Tragedy is more likely to be consummated by multitude of hands, than wisdom of heads. I have been a curious observer, and diligent inquirer, after, not only the Actions, but the Counsels of these times; and I here present the result of my indeavours to thee: In a time of mis-apprehensions it is good to avoid mistakings, and therefore I advise thee not to apply what I say to the Parliment, or Army in generall, if any phrase that hath dropped from my pen in hast (for this is a work of hast) seem to look asquint upon them: No, it is the Grandees, the Junto-men, the Hocas-Pocaffes, the state-Mountebanks, with their Zanyes and Jack-puddings, Committee-men, Sequestrators, Treasurers, and Agitators,

The Epistle.

tors under them, that are here historified : were the Parliament (the major part whereof is in bondage to the minor part and their Fanisaries) and the Army freed from these usurping and engaged Grandees, who betrayed the Honour and Priviledges of Parliament & the Army to their own lusts, both would stand right, and be serviceable to the settling of a firm lasting Peace under the King, upon our first Principles, Religion, Laws, and Liberties, which are now so far laid by, that whosoever will not joyn with the Grandees, in subverting them, is termed a Malignant, as heretofore he that would not adhere to the Parliament in supporting them was accounted; so that the definition of a Malignant is turned the wrong side outward. The body of the Parliament and Army (in the midst of these distempers) is yet healthy, sound, serviceable; my endeavour is therefore to play the part of a friendly Physitian, and preserve the body by purging peccant humors : Were the Army under commanders and officers of better Principles, who had not defiled their fingers with publick monies, their consciences by complying with, and cheating all interests, (King, Parliament, People, City, and Scots) for their own private ends, I should think that they carried the Sword of the Lord, and of Gideon; but clean contrary to the Image presented to Nebuchadnezzar in a dream, the head and upper parts of this aggregate body are part of Clay, part of Iron, the lower parts of better metall: I cannot reform, I can but admonish; God must be both the Æsculapius and Prometheus, and amend all, and though we receive never so many denials, never so many repulses from him, let us take heed how we vote (even in the private corners of our hearts) no Addresses, no Applications to Him. Let us take heed of multiplying sins against God, lest he permit our Schismatical Grandees to multiply Armies and Forces upon us, to war against Heaven as well as against our Religion, Laws, Liberties,

The Epistle.

ties, and Properties upon earth, and keep us and our estates under the perpetual bondage of the Sword, which hath been several ways attempted in the Houses these last weeks, both for the raising and keeping of a new Army of 30000. or 40000. men in the seven Northern Associate Counties, upon established pay (besides this Army in the South) and also for the raising of men in each County of England, and all to be engrossed into the hands of his Excellency, and such Commanders and Officers as he shall set over them; and this work may chance be carried on by the Grantees of Derbyhouse and the Army, if not prevented; for the Generall (notwithstanding this power was denyed him in the House of Commons) hath sent warrants into most Counties to raise Horse and Foot; yea, to that baseness of Slavery hath our Generall and Army, with their under-Tyrants the Grantees, brought us, that although themselves did heretofore set the rascality of the Kingdom on work in great multitudes (especially the Schismaticall party) to clamour upon the Parliament with scandalous Petitions, and make peremptory demands to the Houses, destructive to the Religion, Laws, Liberties, and Properties of the Land, and the very foundation of Parliaments; to which they extorted what answers they pleased; and got a generall vote, That it was the undoubted right of the Subject to Petition, and afterwards to acquiesce in the wisdom and justice of the two Houses: Yet when upon 16 of May 1648. the whole County of Surry (in effect) came in so civil a posture to deliver a petition to the house, that they were Armed for the most part but with sticks, in which Petition there is nothing contained which the Parliament is not bound to make good by their many Declarations and Remonstrances to the people, or by the Oathes of Allegiance, Supremacy, or Nationall Covenant, or by the known Laws of this Land. Yet were they, 1. Abused by the Soulaïers of

The Epistle.

White-hall as they passed by, where some of them were pulled in and beaten. 2. When those Gentlemen of quality that carried the Petition came to Westminster-hall, they found a Guard of Souldiers at the door, uncivilly opposing their entrance to make their addresses to the House. 3. When they pressed into the Hall, and got up to the Commons door, they were there reviled by the Guard. 4. The Multitude which stood in the new Palace, (because some of them did but whoop as others did, who were purposely set on work (as is conceived) to mix with them & disorder them) were suddenly surrounded with a strong party of horse from the Mews, and some more Companies of Foot from White-hall, who by the appointment of the Committee of Schismatics at Derby-House were ready prepared for this design, and caught them (as it were) in a Toyle, and with barbarous and schismatical rage fell upon these naked unarmed Petitioners, slew and wounded many without distinction, telling them, They were appointed to give an answer to their Petition, and they should have no other; (as indeed they had not) though the Lieut. Colonell that did all the mischief, was called into the House of Commons, and had publick thanks given him at the Bar, took many of them Prisoners, & Plundered their Pockets, Cloaks, Hats, Swords, Horses, & some of them (even Gentlemen of as good quality as their General) were stripped of their doublets: those Gentlemen of quality who where in the Lobby before the Commons door, civilly expecting an answer, were abused, and violently driven out by the Guard, to take their fortune among the Rabble; what Tyrants ever in the World refused to heare the Petitions and grievances of their people before? The most Tyranicall government of the world is that of Russia, and Jo. Vasilowich was the greatest Tyrant of that Nation, yet shall this Tyrant rise up in judgement at the latter day against these Monsters. Behold what entertainment your Petitioners shall have hereafter, if publick Peace be the end of their

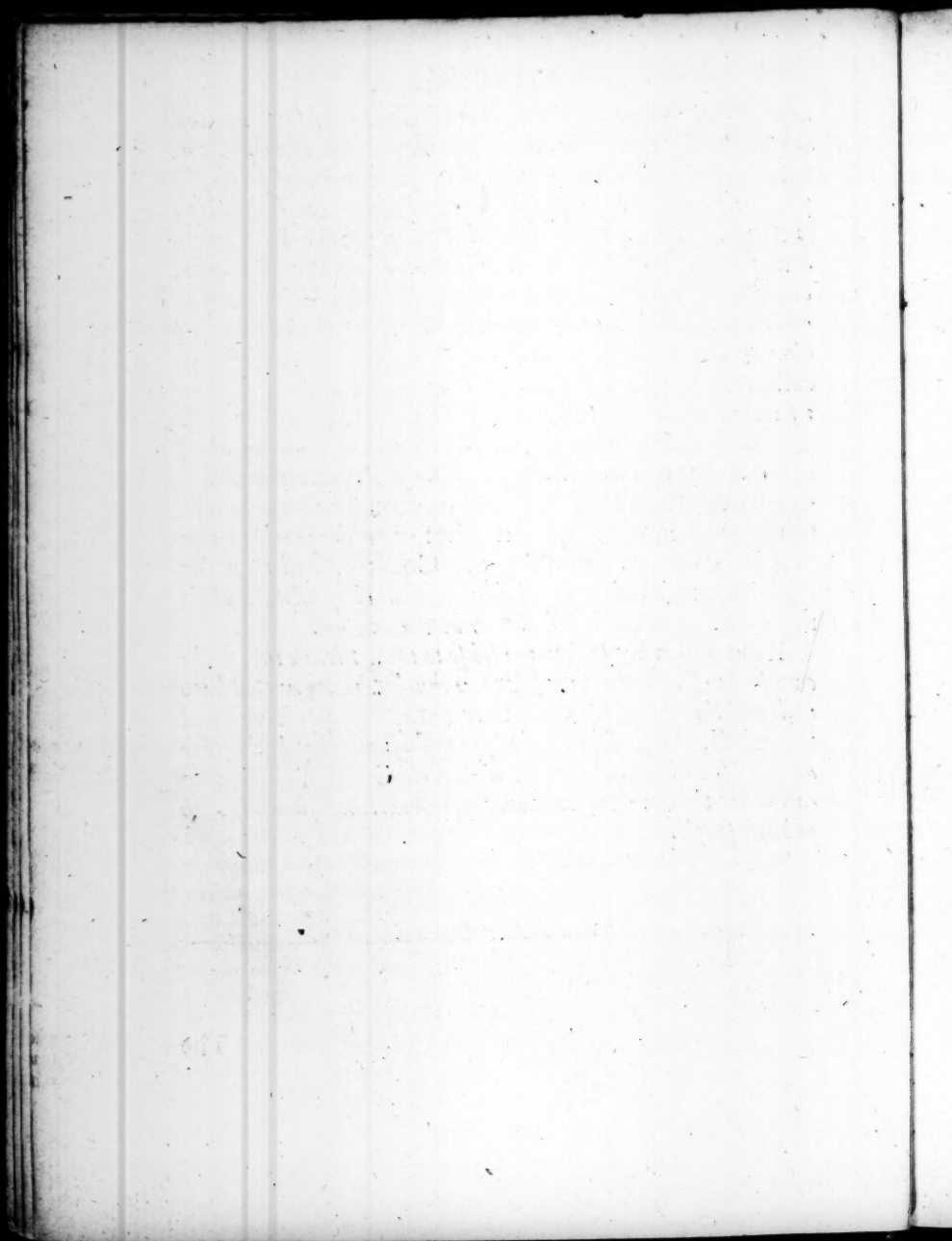
It is reported by some that Sir H. Mildmay, Col. Purefoy & the Speaker (doubting the House would give too good an answer to their Petition) sent for these Horse and Foot.

The Epistle.

their desires : yet many Petitions ready drawn are sent up and down in most Counties by Committee-men, and Sequestrators, to enforce men to give thanks for the four votes against the King ; and many Petitions from Schismaticks, destructive to Religion, Laws, Liberties, and Property, have been obtruded upon the Houses, and received encouragement and thanks, because they tend to subvert the fundamental Government of Church and Common-wealth, and cast all into the Chaos of confusion, whereby the Grandees may have occasion to keep up this Army, and perpetuate their Tyranny and our burdens. And from these Tumults of their own raising, the grandees pretend a necessity to keep this Army about this Town, to watch advantages against it. Cromwell having often said, This Town must be brought to more absolute obedience, or laid in the dust ; in order to which, the Souldiers are now disarming the Country, and then the City is next, who being once disarmed, must prostitute their mony-bags to these fellows, or be Plundered.

Reader, having spoken my sense to thee, I leave thee to thy own sense ; submitting myself to as much Charity as God hath endowed thee withall. God that made all, preserve and amend all, This shall be the daily prayer of him that had rather die for his Country, than share with these Godly Thieves, in eating out the bowels of his Country, and enriching himself with publick spoils.

The





The History of INDEPENDENCY.

♦♦♦♦♦♦♦♦♦♦ YOU have in *The mystery of the two Juntos, Presby- The Preaterian and Independent*, presented to your view ble.

♦♦♦♦♦♦♦♦♦♦ Y these two Factions, (as it were in a Cockpit pecking at one another) which rising originally from the two Houses and Synod, have so much disturbed and dislocated, in every joynt, both Church and Common-wealth. I must now set before you *Independency* Triumphant, rousing it self upon its Legs, clapping its wings, and crowing in the midst of the Pit, with its enemy under its feet, though not yet well resolved what use it can or may make of its Victory.

But before I go any farther, it is fit I tell you what *Independency* is.

It is *Genus generalissimum* of all Errors, Heresies, Blasphemies, What Inde- and Schisms; a general Name and Title under which they are pendency is all united, as *Sampson's* Foxes were by the *Tails*. And though they have several opinions and fancies (which make their *vertiginous heads* turn different wayes) yet profit and preferment (being their *Tails*) their last and ultimate end by which they are governed (like a Ship by his Rudder) and wherein they mutually correspond; the rest of their differences being but circumstantial are easily plaister'd over with the *untemper'd Morter* of hypocrisy by their *Rabbies* of the Assembly, and their *Grandeeds* of the two Houses and Army, in whom they have an *implicite faith*. As *Mahomet's* Alchoran was the Gallemaufry of Jew and Christian; so are they a Composition of Jew, Christian, and Turk; is compound with the Jew they arrogate to be the peculiar people of God, ed of Judaist

The History of Independency.

the Godly, the Saints, who only have right unto the Creatures, and should possess the good things of this World, all others being Usurpers; a Tenent so destructive to humane society and civil Government, that by vertue hereof they may and do by fraud, or force, Tax, eat up with Free-quarter, cozen and plunder the whole Kingdom, and count it but robbing the Egyptians: To this purpose they overthrow all the Judicatures, Laws, and Liberties of the Land, and set up Arbitrary Committees, Martial-Law, and *Weather-cock* Ordinances in their room, made and unmade by their own over-powring faction in Parliament at pleasure, with the help and terror of their *Janisaries*, attending at their doors.

Christianism.

With the Christian, some of them (but not all) acknowledge the Scriptures, but so far only as they will serve their turns, to *Pharise* themselves, and *Publican* all the World besides; men filled with spiritual pride, meer Enthusiastiques, of a speculative and high flying Religion, too high for Earth, and too low for Heaven; whereas a true and fruitful Religion (like *Jacob's Ladder*) *Stat pede in terris, caput inter nubila condit*, must have one end upon earth, as well as the other in Heaven. He that acknowledgeth the duties of the first table to God, and neglecteth the duty of the second table to Man, is an Hypocrite both against God and Man.

Princism.

With the Turk they subject all things, even Religion, Laws, and Liberties (so much cried up by them heretofore) to the power of the Sword, ever since by undermining practices and lies they have jugged the *States Sword* into the *Independent Scabbard*.

he Earl of
sex and Sir
ill. Waller
determined
ler in the
dependents.

The *Earl of Essex*, General of all the Parliaments Forces (a man though popular and honest, yet stubbornly stout, fitter for Action than Counsel, and apter to get a victory than improve it) must be laid by, and his Forces reduced. The like for *Sir William Waller* and his Forces; that Commanders of *Independent* Principles and Interests, with Soldiers suitable to them, might by degrees be brought into their room to reap the harvest of those crops which they had sown.

This was the ground-work of the *Independent* design, to monopolize the power of the Sword into their hands.

This could not be better effected than by dashing the *Earl of Essex*

Essex and Sir *William Waller* one against another: for which purpose the hot-headed Schismaticke Sir *A. Haslerigge* was employed with Sir *William Waller* and some others (whose *Ashes* I will spare) with the E. of *Essex* to break them one upon another. This was at last effected by taking advantage of their several misfortunes; the one at *Lislehyell* in *Cornwall*, the other at the *Devises* in *Wiltshire*, where *Haslerigge* (a man too ignorant to command, and too insolent to obey) not staying for the foot, who lay round about the *Devises* in a storming posture, charged up a steep hill with his Horse onely against the Lord *Wilmots* Party, one Division so far from another, that the second Division could not relieve the first, thereby freeing Sir *Ralph Hopton* from an assured overthrow, and bestowing an unexpected Victory on the L. *Wilmot*: he received a wound in his flight, the smart whereof is still so powerfully imprinted in his memory, that he abhors fighting ever since; witnesse his praying and crying out of Gun-shot at the Battle at *Cheriton*, when he should have fought; and his complaints openly made in the House of Commons of the Earl of *Stanford* for Bastonadoing him. Which rashnesse of his (if it deserve not a worse name) was so far from being discountenanced, that he received not long after a gift of 6500l. from the House, and is lately made Governour of *Newcastle*, and 3000l. given him to repair the works there. I shall not need the Spirit of Prophecy to foresee, that the tenth part of the said 3000l. will not be bestowed upon those Works. Thus was he favoured by his party in the House, who were thought to look upon this action as an acceptable service.

In farther porgresse of this design, *Manchester* (a Lord, and therefore not to be confided in) was undermined and accused by his Lievt. General *Cromwell* of high Crimes, whom he again recriminated with a Charge of as high a nature; and when all men were high in expectation of the event, it grew to be a drawn battle between them; whereby, all men concluded them both guilty: *Manchester* was discarded.

Out of the ashes of these three arose that Phoenix (forsooth a new modell'd Army, under the Command of Sir *Thomas Fairfax*, a Gentleman of an irrational and brutish valour, fitter to follow another mans counsel than his own, and obnoxious to

³
The Earl of
Manchester
undermined

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Cromwel, and the *Independent faction* (upon whose bottom he stands) for his preferment, it being no dishonour to him to become the property to a powerful Faction.

4 The Victories of the new model how achieved. It pleased God to bestow many Victories upon this Army over the Kings Forces, then strong in bulk, but weakned by Factions, want of pay, and other distractions (wherby many of their Commanders not confiding in one another, began to provide for their future safety and subsistence) but above all, they had generally lost the peoples affections. To these their Victories, the constant pay, and supplies, and all other helps and encouragements from a concurring State, which their working and restless Faction carefully accommodated them withal, (far beyond what any other Army had formerly) did much conduce, in so much as they cleared the Field, and took in all the enemies Garisons, with so much facility, that to many men they seemed rather *Cauponantes bellum quam belligerantes*, to conquer with silver than with steel: a good Purse is a shrewd weapon.

5 Artifices to make Cromwel and his new Model popular. Thus this Faction having got a General fit for their turn, and a Lieutenant General wholly theirs in judgement and interest, were diligent to make him famous and popular, by casting upon him the honour of other mens achievements and valour. The News-books taught to speak no language but *Cromwel*, and his Party; and were mute in such actions as he and they could claim no share in; for which purpose the Presses were narrowly watched. When any great exploit was half achieved, and the difficulties overcome, *Cromwel* was sent to finish it, and take the glory to himself, all other men must be eclipsed, that *Cromwel* (the *Knight of the Sun*, and *Don Quixot of the Independents*) and his Party may shine the brighter.

6 The new Model new-modelled by degrees to put the Sword into the hands of Schismatics. And that *Cromwels* Army might be suitable to himself, and their Designs carried on without interruption or observation of such as are not of their Principles, all the Sectaries of England are invited to be Reserves to this Army; and all pretences of scandals and crimes laid hold of at their own Councils of War, to casheer and disband the Presbyterian party, that *Independents* might be let into their rooms, though such as (for the most part) never drew Sword before: so that this Army (which boasteth it self for the Deliverer, nay the Conquerour of two Kingdoms) is

no

no more the same that fought at *Nazeby*, than Sir *Francis Drakes* Ship that brought him home, can be called the same Ship that carried him forth about the Earth, having been so often repaired, and therefore suffered so many subtractions and additions, that hardly any of the old vessel remained. It was therefore nominally and formally, not really and materially the same.

The said *mystery* of the two *Juntoes* farther tells you, that the Independent *Junto* bottomed all their hopes and interests upon keeping up this Army, whereby to give the Law to King, Kingdom, Parliament and City, and to establish that *Chimera* called *Liberty of Conscience*. That this was *Cromwells* ambition formerly, the Earl of *Manchester's* afore said Charge against *Cromwel* (though let fall without prosecution, left so great a mystery should be discovered) makes it probable, and his later practices upon which I now fall makes it infallible.

The Houses long since (for ease of the people) in a full and free Parliament, ordained the disbanding of this Army: only 5000. Horse, 1000. Dragoons, and some few Fire-locks to be continued in pay for safety of this Kingdom, and some of them to be sent for *Ireland*: for which purpose they borrowed 200000*l.* of the City (being the same sum which disbanded the Scots) and for the rest of their Arrears, they were to have Debtors and Security without all exceptions; such terms of advantage as no other disbanded Souldiers have had the like, neither are these like to attain to again: so that they have brought the Souldiers into a loss, as well as into a labyrinth; their continuing in arms without, nay, against *lawful Authority*, being a manifest act of Treason and Rebellion, and so it is looked upon by the whole Kingdom; nor can the Parliaments subsequent Ordinances (which all men know to be extorted by force, as hereafter shall appear) help them.

To the passing of this Ordinance, *Cromwells* Protestation in the House with his hand upon his breast, In the presence of Almighty God, before whom he stood, that he knew the Army would disband and lay down their Arms at their door, whensoever they should command them, conduced much: this was maliciously done of *Cromwel* to set the Army at a greater distance with the Presbyterian Party, and bring them and the Independent party neerer

7.
The Army
voted to be
disbanded
through
Cromwells
craft.

together; he knew the Army abominated nothing more than Disbanding and returning to their old Trades, and would hate the Authors thereof.

8.
Agitators raised by *Cromw.*

9.
The beginning of the project to purge the Houses.

10.
The Army put into mutiny against the Parliament, where by *Cromwell* monopolizeth the Army.

11.
Cromwell's family in the Army.

12.
Cromwell and *Ireton* usurp Offices in the Army.

And at the same time when he made these protests in the House, he had his Agitators (*Spirits* of his and his Son *Ireton's* conjuring up in the Army, though since conjured down by them without requital) to animate them against the major part of the House (under the notion of *Royalists*, a *Malignant party* and *Enemies to the Army*) to engage them against *Disbanding* and going for *Ireland*, and to make a Traiterous Comment upon the said Ordinance, to demand an *Aid of Indemnity*, and relie upon the advice of Judge *Jenkins* for the validity of it, and to insist upon many other high demands; some private, as Souldiers; some publique, as States-men.

Cromwell having thus by mutinying the Army against the Parliament, made them his own, and monopolized them, (as he did formerly his Brew-house at *Ely*) which he might easily do, having before-hand filled most of the chief Officers in the Army with his own kindred, allies, and friends, (of whose numerous family, *Lieut. Col. Lilburn* gives you a list in one of his Books) he now flies to the Army, doubting (his practises discovered) he might be imprisoned: where he and *Ireton* assuming Offices to themselves, acted without Commission; having not only been ousted by the self-denying Ordinance, (if it be of any power against the godly) but also their several Commissions being then expired; and *Sir Thomas Fairfax* having no authority to make General Officers, as appears by his Commission (if he make any account of it) and therefore *Sprig*, alias *Nathaniel Fines*, in his Legend or Romance of this Army, called *Anglia Rediviva*, sets down two Letters sent from *Sir Thomas Fairfax* to the Speaker *William Lenthall*, one to desire *Cromwell's* continuance in the Army, another of thanks for so long forbearing him from the House: see *Ang. Red. p. 10, 11, 29.* which needed not, had he been an Officer of the Army.

And now both of them bare-faced, and openly, joyn with the Army at *Newmarket*, in trayterous Engagements, Declarations, Remonstrances, and Manifesto's; and Petitions penn'd by *Cromwell* himself, were sent to some Counties to be subscribed, against supposed

supposed Obstructors of justice, and Invaders of the Peoples Liberties in Parliament; and the Army at *Newmarket* and *Triplo-Heath* prompted to cry, *justice, justice* against them; and high and treasonable demands, destructive to the fundamental privileges of Parliament were publicly insisted upon; many of which for quietnesse sake, and out of compassion to bleeding *Ireland*, were granted; yet these restless spirits (hurried on to further designs) made one impudent demand beget another, and when by Letters and otherwise they had promised, *That if their then present demands were granted, they would there stop and acquiesce*; yet when they seemed to have done, they had not done, but deluded and evaded all hopes of Peace by mis-apprehension, and mis-construction of the Parliaments concessions; making the mis-interpretations of one grant, the generation of another demand, so that almost ever since the Parliament hath nothing else to do but encounter this *Hydra* and roll this stone.

Having thus debauched the Army, he plotted in his own Chamber the securing the Garison, Magazine, and Train of Artillery at *Oxford*, and surprizing the Kings person at *Holdenby*; which by his Instrument Coronet *Joyce*, with a commanded party of Horse, he effected; and when *Joyce* (giving *Cromwel* an account of that action) told him, *He had now the King in his power*; well (replied *Cromwel*) *I have then the Parliament in my Pocket*. O insolent Slave! O slavish *English*! thus to suffer your King and Parliament, together with your Wives and Children, Religion, Laws, Liberties, and Properties, to be Captivated by so contemptible a Varlet. If our Noble Ancestors (who vindicated their Liberties, and got *Magna Charta* by the Sword) shall look down from Heaven, and see their Posterity so cowardly resign them to a handfull of bloody, cheating Shismaricks, they will not own us, but take us for *Russian Slaves*, *French Peasants*, and cry out, that we are a Bastard brood, *Servi natura*, born for bondage; yet afterwards (having recourse to his usual familiarity with Almighty God) *Cromwel* used his Name to protect his ignorance and innocence in that business, both to the King and Parliament, adding an execration upon his Wife and Children to his protestation; yet *Joyce* is so free from punishment, that he is since preferred, and his Arrears paid by their means;

Manifesto of
the Army
June 27. 1647

means; and though both Houses required the Army to send his Royal Person to *Richmond*, to be there left in the hands of the Parliaments Commissioners, whereby both Kingdoms might freely make addressees to him, (for they had formerly excluded and abused the Scots Commissioners, contrary to the law of Nations, and Votes of both Houses, and yet then granted free access to the most desperate persons of the *Kings Party*) yet they could obtain no better answer from these *Rebellious Saints*, than That they desired no place might be proposed for his Majesties residence nearer London, than where they would allow the Quarters of the Army to be. This was according to their old threats of marching up to London, frequently used when any thing went contrary to their desires; they knew what dangerous and troublesome guests we should find them here.

How much is this Army degenerated since *Cromwel* and his demure white-livered Son-in-law *Ireton* poisoned their manners with new principles? *Anglia Rediviva* p. 247. tells us, that about *Woodstock* private overtures were made by some from Court for receiving his Majesty, who was minded to cast himself upon the Army; but such was their faithfulness in that point, that conceiving it derogatory to the honour and power of Parliament, (for his Majesty to wave that highest Court, and address himself to any others) and therefore inconsistent with their trust and duty, being servants of the State, they certified the Parliament thereof, and understanding it to be against their sense also, they absolutely refused to be tampered with. Oh, how faithful then! how perfidious and *Cromwellized* are they now! let their frequent tampering with the *King and His Party*, to the amazement of the Kingdom, and the abusing of the *King*, testify. Read *Putney Projects* written by a considerable Officer of the Army, and a friend to *Cromwel*, though not to his false practices.

14. Having thus gotten the *King* (the first and most visible legal authority of England) into their possession, their next design is to keep the Parliament (the second legal authority of England) into their power.

15. Purging the Presbyterian Members (especially the most active, and such as had laboured their disbanding) that an Independent Parliament and Army

Army might govern the Kingdom : In order to which design they sent to the House of Commons in the name of Sir Thomas Fairfax and the Army, a general and confused Charge of High Treasons and other mis-demeanours against eleven Members, for things done (for the most part in the House) and many of the principal, such as the House had long before examined and acquitted them of, and such as the whole Kingdom knows Cromwel and Ireton to be apparently guilty of ; as, *Trucking with the King, &c.*

16.
Accusing the
11. Members.

One cheif Article insifted upon in the Charge was, *That by their power in the House, they caused the Ordinance for Disbanding this Army to pass.* Here you see where the shoe wrings them ; This Charge was not subscribed by any informer that ingaged to make it good, or else to suffer punishment, and make the House and the parties accused, reparations : as by the Stat. 25. Ed. 3. c. 4. 27. Ed. 3. c. 18. 38. Ed. 3. c. 9. 17. R. 2. c. 6. 15. H. 6. c. 4. but especially by 31. H. 6. c. 1. concerning Jack Cade (which comes nearest this case) ought to be ; and they professed in the 2. 3. 4. Article of their Charge, *That they were dis-obliged and discouraged from any further engagement in the Parliament service, or Irelands preservation ; And demanded the House should forthwith suspend the impeached Members from any longer sitting and acting.* Whereupon, the House after full debate in a full and free Parliament, Resolved, June 25. 1647. *That by the Laws of the Land no judgment could be given for their suspension upon that general Charge, before particulars produced, and proofs made ;* Yet the Army (which had now learned only to acquiesce in their own prudence and justice) insolently threatened to march up to Westminster against the Parliament, in case the said 11 Members were not suspended ; and courted the City of London to fit Newtters, and let them work their will with the Parliament.

17.
Threats to
march up to
London.

18.
London solici-
ted to fit
Newtters.

The 11. impeached Members therefore modestly withdrew to free the House from such danger, as they might incur by protecting them, as in Justice and Honour they were bound to do : After this, the Army sent in their particular Charge ; and libelously published it in print by their own Authority. To which the 11. Members sent in, and published their Answer. Upon which there hath been no prosecution, because they pretend first

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to settle the Kingdom, but if they stay till these fellows have either authority, will, or skill to settle the Kingdom, they shall not need to make ready for their tryal till Dooms-day; Here you have a whole Army for Accusers, and the chief Officers of the Army (being Members of the House) not only accusers, but parties, Witnesses, and Judges, and carrying the Rules of Court, and Laws by which they judge, in their Scabards. And the Charge of Impeachment, such (as all men know) *mutatis mutandis* are more suitable to *Cromwells* and *Iretons* actions; than the accused Parties. If the proceeding in the Kings name against the 5 Members mentioned in *The exact Collection* part. 1. p. 38. were Voted *A Traiterous design against King and Parliament*, and the arresting any of them upon the Kings Warrant, an *Act of publick enmity against the Common wealth*: How much more *Treasonable* were these proceedings; and the Armies March towards London to enforce them; and their arresting *Anthony Nichols*, having the Speakers Pass, and leave of the House; Colonel *Burch*, being upon service of the Parliament going for *Ireland*; and Sir *Samuel Luke*, resting quiet in his own house?

19. The first occasion of quarrel against the City.
20. Courting and cheating the Country, and all other interests to lull them asleep till the Grandees had wrought their will upon the City and Houses.
21. Petitions to the Army, and for the Army.
- Whilst these things were acting, *Cromwel* finding he could not have his will upon the Parliament, but that he must make the City of London (who had denied the neutrality) his Enemies, cast about how to cheat the Country people of their affections; (for to have both City and Country his Enemies in the posture his Army was then in, was dangerous) he therefore by many Printed Books and Papers, spread all England over by his Agitators, and by some Journey-men Priests (whose *Pulpits* are the best *Juglers boxes* to deceive the simple) *Abolom*-like, wooeth them to make loud Complaints of the pressures and grievances of the People: to neglect the King and the Parliament, and make Addresses to the Army as their only Saviours, the Arbitrators of Peace, Restorers of our Laws, Liberties and Properties, Settlers of Religion, Preservers of all just interests: pretended to settle the King in his just Rights and Prerogatives; to uphold the Privileges of Parliament, establish Religion, to reform, and bring to account all Committees, Sequesterators, and all others that had defiled their fingers with publique money or goods; To free the people from that all devouring Excise and other Taxes; to redress

dress'd undue elections of Members; To relieve *Ireland*: Things impossible to be performed by an Army, and now totally forgotten; so that they have only accepted of their own private demands as Souldiers; That the Parliament should own them for *their Army*; Establish pay for them; put the whole *Militia* of this Kingdom, and *Ireland* both by Sea and Land, into their Hands, and Vote against all opposite Forces. But they are now become the only Protectors of all corrupt Committee-men, Sequestrators, Accomprants to the State, and all other facinorous persons, who comply with them to keep up this Army, for their own security against publick justice.

Having thus courted and cheated all the publick and just Interests of the Kingdom, they deceived the people so far as to make them *Issachar*-like, patiently to bear the burden of free-quarter, and to make addresses to the Army for themselves; by Petitions, to which they gave plausible answers, That *this*, and *this* was the sense of the Army: As if the sense of the Army had been the supreme Law of the Land, and to make addresses to the Parliament for the Army not to be disbanded, (for which purpose their Agitators carried Petitions ready penned to be subscribed in most Counties.)

The People being thus lulled asleep, they now cast about how to make benefit of a joynt quarrel both against the Parliament and City, (since they could not separate them) or at least against the Presbyterian party in both; they had withdrawn their quarters (in a seeming obedience to Parliaments commands) 30 miles from *London* (of which they often brag in their Papers) and presumed the suspension of the 11. Members, had struck such an awfulness into the Houses, that most of the Presbyterian Members would either absent themselves, (as too many indeed did) or turn Renegadoes from their own principles to them: but found themselves notwithstanding opposed, and their desires retarded (beyond their expectation) by the remainder of that party. They must therefore find out a quarrel to march against the City, and give the Houses another Purge, stronger than the former.

The Army being principled, and put into a posture suitable to *Cromwells* desire, and the Country charmed into a dull sleep, now was his time to pick a quarrel with the City, that what he could

22.
A quarrel against the City invented.

23.
The Army demand the City Militia to be changed into other hands.

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not obtain by fair means, he might obtain by foul, to make them desert and divide from the Parliament, and leave it to be modelled according to the discretion of the Souldiery. He could not think it agreeable to policy, that the City which had slain his Compeer and fellow Prince *Wat Tyler* (the Idol of the Commons in *Richard* the seconds time) and routed his followers (four times as many in number as this Army) should be trusted with their own *Militia*, the City being now greater, more populous and powerfull than in his days. In a full and free Parliament upon mature debate, both Houses by Ordinance (dated 4 *May* 1647.) had established the *Militia* of the City of *London* for a year, in the hands of such Citizens, as by their Authority and approbation were nominated by the Lord Mayor, Aldermen, and Common-Council; and though the Army had recruited it self without Authority, and had got themselves invested with the whole power of all the Land forces of the Kingdom in pay of the Parliam. so that there was nothing left that could be formidable to them but *their own crimes*; and that it was expected they should go roundly to work upon those publick remedies they had so often held forth to the people in their popular Printed Papers: Yet the Army (contrary to what they promised to the City in their *Letter* 10. *June*, and their *Declaration* or *Representation*, 14 *June*, 1647. That they would not go beyond their desires at that time expressed, and for other particulars would acquiesce in the Justice and wisdom of the Parliament (behold their modesty!) by a *Letter* and *Remonstrance* from Sir *Thomas Fairfax* and the Army, with unresisted boldness demanded the *Militia* of the City of *London* to be returned into other hands; without acquainting the City of their Commissioners (then resident in the Army to keep a good correspondency with them) therewith; upon which *Letter* alone, the House of Commons (being very thin, and many Members driven away by menaces) upon *July* 22. Voted the repealing the said Vote of 4 *May*, and a new Ordinance for reviving the old *Militia*, presently passed and transmitted to the Lords the same day about seven of the clock at night, and there presently passed without debate, though moved by some to be put off until the City (whose safety and privileges it highly concerned) were heard what they could say to it.

Observe.

See the Letter
and Remon-
strance from
Sir Tho. Fair-
fax and the
Army, p. 8. 9.

Observe that neither by the said Paper from the Army; nor by any man in the two Houses, any thing was objected against any of the new *Militia*.

And indeed, formerly the Parliament never made choice of, enlarged, or changed the City *Militia*, but they were still pleased first to communicate the same to the Common-Council; a Request justly shewed to that City which had been such good friends to them; but of late, since the Parliament have shifted their old Principles and Interests, they have learned to lay by their old Friends. The pretence for this hasty passing the Ordinance, was to prevent the Armies so much threatned march to *London*, if the Houses refused to pass it; and the Cities opposition, if not passed before their notice of it. But the real design was to strike a discontent and jealousy into the City, thereby to force them to some act of self-defence, which might give a colour to the Army to march up against them, and their friends in the Houses.

The unexpected news of this changing their *Militia*, caused the City (*June 24.* being Saturday) to meet in Common-Council, where, (for some reasons already expressed) and because the repealing this Ordinance upon no other grounds than the Armies imperious desires, might justly be suspected, to shake all other Ordinances, for security of Money, sale of Bishops Lands, by making them repealable at the Armies pleasure; they resolve to petition the House upon Monday morning following, being *26. July*, which they did by the Sheriffs and some Common-Council men; But so it hapned, that about one thousand Apprentices wholly unarmed, came down two or three hours after with another Petition, of their own, to the Houses; Therein complaining, that to Order the Cities *Militia* was the Cities Birth-right belonging to them by Charters confirmed in Parliament, for defence whereof they had adventured their lives as far as the Army; And desired the *Militia* might be put again into the same hands in which it was put with the Parliaments and Cities consent by Ordinance, *May 4.*

Upon reading these Petitions, the Lords were pleased to revoke the Ordinance of *July 23.* and revive that of *May 4.* by a new Ordinance of *July 26.* which they presently sent down to the Commons for their consents, where some of the Apprentices (presuming they might have as good an influence upon the House to obtain

24:
The City troubled at the change of their *Militia*.

I appeal to Colonel *Harvy*, whether this did not fright him?

25.
The City Petition the Houses for their *Militia* again.

26.
The tumult of Apprentices, *26. July.*

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27.
The Tumult of
Apprentices
ceased, but ar-
tificially con-
tinued by Se-
ctaries.

obtain *their due*, as the Army in pay of the Parliament had to obtain *more than their due* in a childish heat were over-clamorous to have the Ordinance passed, refusing to let some Members pass out of the House, or come forth into the Lobby when they were to divide upon the question about it, (so ignorant were they of the customs of the House) which at last passed in the affirmative about three of the clock afternoon; and then most of the Apprentices departed quietly into the City. After which, some disorderly person (very few of them Apprentices) were drawn together and instigated by divers Sectaries and friends of the Army who mingled with them (amongst whom one *Highland* was observed to be all that day very active; who afterwards [26. Sept.] delivered a Petition to the House against those Members that late, and was an Informer and Witness examined about the said *Tumult*) gathered about the Commons door and grew very outrageous, compelling the Speaker to return to the Chair after he had adjourned the House; and there kept the Members in until they had passed a Vote, *That the King should come to London to Treat.*

This was cunningly and premeditatedly contrived, to encrease the scandal upon the City; yet when the Common-Council of London heard of this disorder as they were then sitting; they presently sent down the Sheriffs to their rescue with such strength as they could get ready (their *Militia* being then unsettled by the contradicting Ordinances of the Parliament) who at last pacified the Tumult, and sent the Speaker safe home; which was as much as they could do in this interval of their *Militia*, being the Houses own Act.

28.
The Speaker
of the Com-
mons com-
plained of a
report, that he
meant to flee
to the Army;
yet run away
to the Army:

The Lords adjourned until the next Friday; the Commons but until the next day. Tuesday morning the Commons sat again quietly, and after some debate adjourned until Friday next, because the Lords had done so.

The next day being Wednesday, the *monthly Fast*, the Speaker and Members met in *Westminster Church*; where the Speaker complained (in some passion) to Sir *Ralph Ashton* and other Members, of a scandalous report raised on him in the City, as if he intended to desert the House, and fly to the Army, saying, *he scorned to do such a base, unjust, dishonorable act; but would rather die in his House and Chair*: which being spoken in a time and place

place of so much reverence and devotion, makes many think his secret retreat to the Army (the very next day) proceeded not so much from his own judgment, as from some strong threats from *Cromwell* and *Ireton* (who were the chief contrivers of this desperate plot to divide the City and Houses, and bring up the Army to *enthrall them both*) That if he did not comply with their desires, they would cause the Army to impeach him for consenuing the State of many vast sums of money.

And truly I remember I have seen an intercepted Letter, sent about the time of his flight, from the Army to *Will. Lenthall* Speaker without any name subscribed to it, only the two last lines were of *John Rushworth's* hand; earnestly importuning him to retire to the Army, with his friends.

On Thursday morning early, the newly renewed *Militia* of *London*, made publick Proclamation throughout the City and Suburbs, and set up printed Tickets at *Westminster*, That if any person should disturb either of the two Houses or their Members, the Guards should apprehend them, and if resistance were made, kill them; yet notwithstanding, the Speaker and his party, (carrying the causes of their fear in their own consciences) in the evening of that day secretly stole away to *Windso*r to the Head-quarters.

29.
The City pro-
claim against
Tumults.

Upon Friday morning at least 140 of the Members assembled in the House (they that fled being about 40.) whither the Serjeant comming with his Mace, being asked where the Speaker was? answered, He knew not well; that he had not seen him that morning, and was told he went a little way out of *Town* last night; but said, he expected his return to the House this morning: after that, being more strictly questioned about the Speaker, he withdrew himself, and would not be found, till the House (after four hours expectation, and sending some of their Members to the Speakers house, who brought word from his Servants, that they conceived he was gone to the Army) had chosen a new Speaker, *Master Henry Pelham*, and a new Sergeant, who procured another Mace. The like (*mutatis mutandis*) was done by the Lords, to prevent discontinuance and fayler of the Parliament for want of Speakers to adjourn and so to continue it; and take away all scruples.

30.
The Houses
appear, the
Speakers being
at the Army.

31.
New Speakers
chosen.

32.
Petition and
Engagement
of the City.

As for the *Petition and Engagement of the City* (so much aggravated

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vated by the *Independent party*) it was directed to the Lord Mayor, Aldermen, and *Common-Council* ; from divers *Citizens, Commanders and Souldiers*, and was occasioned by some intelligence they had, that the *Army* would demand an alteration of the *City Militia*, in order to a design they had against the *City*. It was only intended to the Common Hall, but never presented, as the *Souldiers Petition* was to their *General*, which being taken notice of by the Parliament as it was in agitation, was so much resented by the Souldiery, as to put themselves into the posture they are now in (as Lieut. Col. *Lilburn* says in one of his books) to act no longer by their Commission, but by the principles of Nature and self-defence; nor did the said *Engagement* contain any thing but *resolutions of self-defence, in relation to the City* ; so that we cannot see what the Army had to do to declare their sence upon it in their *Letter 23. July, &c* so put a prejudice upon it in the Houses. I have insisted the more particularly upon this *Grand Imposture*, as being the *Anvil* upon which they hammered most of their subsequent designs, violent and illegal accusations.

33.
Votes passed
after new
Speakers
chosen.

The new Speakers chosen ; the two Houses proceeded to Vote and Act, as a Parliament.

And first, *The House of Commons* Voted in the eleven impeached Members: next, They revive and set up again the Committee of safety by Ordinance of both Houses, enabling them to joyn with the Committee of the restored *City Militia*, giving power by several Ordinances to them, to List and raise Forces, appoint Commanders and Officers, issue forth Arms and Ammunition for defence of both Houses and the *City* against all that should invade them. Which Votes and preparations for their self-defence (warranted by the same law of Nature, as the Armies papers affirm) were not passed, nor put in execution untill the Army (every day recruited contrary to the Houses Orders) were drawing towards London, and had with much scorn disobeyed the Votes and Letter of both Houses, prohibiting them to come within thirty miles of London.

34.
Members En-
gagement
with the
Army.

The Army, to countenance their Rebellion, draw the two Speakers and fugitive Members to sit in consultation, and pass Votes promiscuously with the Council of War in the nature of a Parliament, and to sign an Engagement (dat. 4. August) to live and die

die with Sir Thomas Fairfax and the Army under his command, affirming therein, that generally throughout, their sense agreeeth with the Declaration of Sir Tho. Fairfax, and his Council of War, shewing the grounds of their present advance towards the City of London. In which Declaration, the Council of the Army take upon them to be *supreme Judges over the Parliament*; Telling you who of the two Houses they hold for persons in whom the publick trust of the Kingdom remaineth, and by whose advise they mean to govern themselves in managing the weighty affairs of the Kingdom. They declare against the late choice of a new Speaker by some Gentlemen at *Westminster*; And that as things now stand, there is no free nor legal Parliament sitting, being through the violence (26. July) suspended. That the Orders and Votes, &c. passed 29. July last, and all such as shall passe in this assembly of some few Lords, and Gentlemen at *Westminster*, are void and null, and ought not to be submitted unto.

Behold here, not only a power without the *Parliament Houses*, judging of the very *essence of a Parliament*, and the validity of their resolutions, but usurping to themselves a *negative Voice*, which they deny to the King; and yet a Schismatical faction in the 2 Houses complying with them, and betraying and prostituting the very being, Honour, and all the fundamental rights and privileges of this and all future Parliaments to an Army of Rebels who refuse to obey their Masters, and disband.

This Engagement so over-leavened the army, that their brutish General sent forth Warrants to raise the *Trained Bands* of some Counties to march with him against the City and both Houses; although *Trained Bands* are not under any pay of the Parliament; and therefore not under command of the General, by any Order or Ordinance. But what will not a Fool in authority do, when he is possessed by *Knaves*? Miserable man! His Foolery hath so long waited upon *Cromwell's* and *Ireton's* knavery, that it is not safe for him now to see his folly, and throw by his *Cap with a Bell* and his *Bable*.

The Earl of *Essex* died so opportunely, that many suspected his death was artificiall.

Yet the City were so desirous of Peace, that they sent *Commissioners* sundry times to the Army to mediate an Accord; Who

G

could

36.
The City send Commissioners to the Army, *Fowke*, *Gibs*, and *Essex*, by whom they are betrayed.

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could obtain no more equal terms of Agreement than that *They should yeeld to desert both Houses, and the impeached Members: Call in their Declaration newly Printed and published: Relinquish the Militia: Deliver up all their Forts and Line of Communication to the Army; together with the Tower of London, and all the Magazines and arms therein: Disband all their Forces: Turn all the Reformadoes out of the Line: Withdraw all their guards from the Houses: Receive such Guards of Horse and Foot within the Line, as the Army should appoint to guard the Houses: Demolish their works, suffer the whole Army to march in triumph through the City as Conquerours of it and the Parliament, and (as they often give out) of the whole Kingdome: terms which they might have had from the great Turk, had he fate down before them and broken ground.*

All which was suddenly and dishonourably yeelded to, and executed according, by such an Army as was not able to fight with one half of the City, had they been united: But they are the Devils seed-men, and have sown the Cockle of Heresies and Scism, so abundantly in City and Country (especially amongst the more beggarly sort) that these men joyning Principles and interests with the Army, weaken the hands of all opponents. They often brag that they made a civil march, free from Plunder: I Answer, they neither durst nor could do otherwise: their Souldiers being ill armed, and so few, that they were not able to keep stands in the streets, and keep the Avenues while their Fellows dispersed to Plunder. *Charles 8.* with a far greater, and more Victorious Host, durst not offer violence to the far less City of Florence when *Signior Capona* put an affront upon him in the Town-house; Bidding him *beat his drums, and he would ring their Bells.*

Upon the 6. of *August, 1647.* The General brought the fugitive Speakers and Members to the Houses with a strong Party, (who might have returned sooner without a Guard, had not their own crimes and designs hindred them) the two Palaces filled with armed guards, double Files clean through *Westminster hall*, up the stairs to the House of Commons, and so through the Court of Requests to the Lords House, and down stairs again into the old Palace. The Souldiers looking scornfully upon many
Member_s

36:
The fugitive
Members re-
turned.

Members that had sat in the absence of the Speaker, and threatening to cut some of their throats. And all things composed to so ridiculous a terrour, as if they would *bespeak* (without *speaking*) the absence of those Members that sat; placed the Speakers in the Chairs without Vore, out of which they had been justly Voted for deserting their calling; where the General was placed in a *Chair of State*, (enough to make a fool of any man that was not fit for it) and received special thanks for his service from both Speakers. And in the second place, a *day of thanksgiving* was appointed to God, (I think) for his patience in not striking these Atheistical Saints with thunder and lightning for making him a stale to their premeditated villanies.

Here Sir Thomas Fairfax, with a breath (and before any man that was not privy to the design could recover out of his amazement) was made *Generalissimo* of all the Forces and Forts of England and *Wales*; to dispose of them at his pleasure: *Constable* of the Tower of London. The common Souldiers Voted *one months gratuity*, besides their pay (the Commons being in good case to give gifts before they *pay debts*;) left to the discretion of the General to set what Guards he pleased upon the two Houses. Whereby you may perceive in what unequal condition those Members that did not run away with the Speaker, do now sit; after so many reiterated threats of the General against them in his printed Papers.

After this, the General, Lieutenant General, Major General *Skippon* (heretofore Waggoner to Sir *Francis Pere*, and one that hath got well by serving the City) and the whole Army, with the Train of Artillery, marched through London in so great pomp and Triumph, as if they would have the People understand that the Authority of the Kingdom (in whose hands soever it remains in these doubtfull times) must submit to the power of the *Sword*; the hilt and handle whereof they hold. They *turn out the Lieutenant of the Tower without cause shewn*. The consequences of these two actions were, that immediately the City decayed in Trade above 200000 l. a week; and no more bullion came to the Mint.

They displace all our Governours, though placed by Ordinance of Parliament, and put in men of their own party; for this

37.
The Armies
march in Tri-
umph through
the City: with
other subse-
quent Acts.

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encroching faction will have all in their own hands : they alter and divide the Militia of *London*, setting up particular Militia's at *Westminster*, *Southwark*, and the *Hamlets of the Tower*, that being so divided they may be the weaker : Demolish the Lines of Communication, that the City and Parliament may lie open to Invasion when they please, and fright many more Members from the Houses with threats, and fear of false impeachments.

The 11. impeached Members, having leave by order of the House, and license of the Speaker, some to go beyond Sea, and *Anthony Nichols* to go into his own Country to settle his Affairs ; Some of them (as *Sir William Waller*, and *M. Den-Hollis*) were attacht upon the Sea, *Nichols* arrested upon the way into *Cornwall* by the Army, and despightfully used. And when the General was inclined to free him, *Cromwel* (whose malice is known to be as unquenchable as his Nose) told him *he was a Traitor to the Army*. You see now upon whom they meant to fix the peoples allegiance, (for where no allegiance is due, there can be no Treason) and to what purpose they have since by their 4 Votes (first debated between the Independent Grandees of the Houses and Army) laid aside the King, and (as much as in them is) taken off our Allegiance from him.

Col. Birch formerly employed for *Ireland* by the Parliament, was imprisoned, and his men mutinied against him by the Army, and *Sir Sam. Luke* resting quietly in his own house, was there seized upon, and carried Prisoner into the Army.

All these Acts of terror were but so many scarecrows set up to fright more Presbyterians from the Houses, and make the Army masters of their Votes.

38.
Proceedings
of both Houses
under the
power of the
Army.

39.
Ordinance to
Null and Void
all Acts passed
in absence of
the 3 runaga-
do Speakers,

I must in the next place fall upon the Proceeding in both Houses, acted under the power and influence of this all-enslaving, all-devouring Army, and their engaged party ; to attain the knowledge whereof, I have used my utmost industry and interest with many my near friends, and kinsmen sitting within those Walls, heretofore (when *Kings*, not *Brewers* and *Draymen*, were in power) the walls of publick Liberty.

The Lords that sate in absence of the two Speakers (all but the Earl of *Pembroke*, whose easie disposition made him fit for all companies) found it their safest course to forbear the House, leaving

leaving it to be possessed by those few Lords that went to, and engaged with the Army: which engaged Lords sent to the Commons for their concurrence to an Ordinance, *To make all Acts, Orders, and Ordinances, passed from the 26. July, (when the tumult was upon the Houses) to the 6 of August following* (being the day of the fugitive Members return) *Void and Null ab initio*. This was five or six several days severally and fully debated, as often put to the question, and carried in the Negative every time; Yet the Lords still renewed the same message to them, beating back their Votes into their throats, and would not acquiesce, but upon every denial put them again to roll the same Stone, contrary to the privileges of the Commons.

The chief Arguments used by the engaged party were all grounded upon the Common places of fear and necessity: Mr. Solicitor threatening if they did not concur, the Lords were resolved to vindicate the Honour of their House, and sit no more; they must have recourse to the power of the Sword; The longest Sword take all. *That they were all engaged to live and die with the Army. They should have a sad time of it.* Haslerigge used the like language, farther saying, *Some heads must flie off; and he feared, the Parliament of England would not save the Kingdom of England, they must look another way for safety. They could not satisfy the Army but by declaring all void ab initio; and the Lords were so far engaged, that no middle way would serve.* To this was answered, *That this was an appeal from the Parliament to the Army.* And when these and many more threats of as high nature were complained of, as *destructive to the liberty and beings of Parliaments*, the Speaker would take no notice of it. Sir Henry Vane junior, Sir John Evelyn junior, Prideaux, Gourdon, Mildmay, Thomas Scot, Cornelius Holland, and many more, used the like threats.

40.
Menaces used by the engaged party in the House.

Upon the last Negative (being the fifth or sixth) the Speaker perceiving greater enforcements must be used) pulled a Letter out of his pocket, *From the General and General Council of the Army* (for that was now their stile) pretending he then received it; But it was conceived he received it over night, with directions to conceal it, if the question had passed the affirmative. It was accompanied with a *Remonstrance* full of villanous language and threats.

41:
A threatening Remonstrance from the Army to the House.

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threats against those Members that sat while the two Speakers were with the Army, calling them *pretended Members*, charging them (in general) with *Treason, Treachery, and breach of Trust*; and protested, if they shall presume to stir before they have cleared themselves; that they did not give their assents to such and such Votes, they should sit at their peril, and he would take them as prisoners of War, and try them at a Council of War.

What King of *England* ever offered so great a violence to the fundamental Privileges of Parliament, as to deny them the Liberty of Voting *I* and *No* freely? Certainly the *little finger* of a *Jack Cade*, or a *Wat Tyler*, is far heavier than the *loynes* of any King.

Many Members were amazed at this Letter, and it was moved, *That the Speaker should command all the Members to meet at the House the next day; and should declare, That they should be secured from danger: And that it might be ordered, That no more but the ordinary Guards should attend the house.* But these two motions were violently opposed with volleys of threats, by the aforesaid Parties and others. And after more than two hours debate, the Speaker refused to put any question upon them, or any of them; and so adjourned to the next morning, leaving the *Presbyterian Members* to meet at their Peril.

The next day being Friday, the 20. *August*, there was a very thin Assembly in the House of Commons; the House having with so much violence denied protection to their Members the day before, made most of the *Presbyterian* party absent. Some went over to the *Independent* party: others sat mute. At last a Committee was appointed presently to bring in an *Ordinance of Accommodation*; which was suddenly done and passed, and is now printed at the latter end of the said menacing *Remonstrance* of the Army: a Child fit to wait upon such a Mother.

42.
Debate in passing the Ordinance of null and void.

Thus was this *Ordinance of null and void* gotten (which hath been the cause of so much danger and trouble to multitudes of people) by the Lords reiterated breaches upon the Privileges of the House of Commons; The engaged parties threats within doors: The Armies thundring Letters and Remonstrance, Their Guards

Guards upon their doors, and a Regiment or two of Horse in *Hide Park*, ready to make impressions upon the House, in case things had not gone to their minds: diverse of whose Commanders walking in the Hall, enquired often how things went: protesting, *they would pull them forth by the Ears if they did not give speedy satisfaction.*

Thus for the *manner* of passing that Ordinance.

The *matter* of Argument used against it was (as far as I can hear) to the purpose following: It was alleged that the Force upon Monday, 26. July, ended that day, that the next day being Tuesday, the House met quietly, and adjourned: that upon Friday following, the Houses sate quietly all day, and gave their Votes freely, and so forward; the City having sufficiently provided for their security, that the transient force upon Monday, could have no influence on the Houses for time to come.

That the Supreme power of no Nation can avoid their own Acts by pretended force: this would make the Common people, the Jurors, and Judges, to question all Acts done in Parliament, since one man can, and may judge of force as well as another: this were to bring the Records of the House into dispute: *Magna Charta* was never gotten nor confirmed but by Force: Force was three-fold, *upon one, or both Houses; or upon the King, in giving his Royal assent;* neither could plead it: the Parliament is presumed to consist of such men as dare lay down their lives for their Country.

When the King came with force to demand the 5. Members: When the City came down crying for justice against the Earl of *Stafford*: When the Women came down crying for Peace: When the Reformadoes came down in a much more dangerous Tumult than this of the unarmed Apprentices; yet the Houses continued sitting and acting, and none of their Acts were nullified:

That to make their Acts, Orders, and Ordinances void *ab initio*, would draw many thousand men, who had acted under them, into danger of their lives and fortunes, who had no Authority to dispute the validity of our Votes: we must therefore give them power to dispute our Acts hereafter upon matter of fact; for to tie men to unlimited and undisputable obedience to our

our Votes, and yet to punish them for obeying whensoever we shall please to declare our acts void, *ab initio*, is contrary to all reason. If to act upon such Ordinances were criminal, it was more criminal in those that made them. And who shall be Judges of those that made them? not the Members that went to the Army; They are parties pre-engaged to live and die with the Army; and have approved the *Armies Declaration*, calling those that sate, *a few Lords and Gentlemen, and no Parliament*: They have joyned with a power out of the Houses to give a Law to, and put an engagement upon both Houses, a president never heard of before, of most dangerous consequence, it takes away the liberty of giving *I* and *No* freely, being the very life of Parliaments: If all done under an actual force be void, it is questionable whether all hath been done this four or five years be not void; and whether his Majesties Royal assent to some good Bills passed this Parliament, may not be said to have been extorted by force. If the Kings parties prevail, they will declare this Parliament void, upon the ground your selves have laid. 1. *Hen.* 7. that King urged the Parliament to make void *ab initio*, all Acts passed *Rich.* 3. which they refused upon this ground, that then they should make all that had acted in obedience to them liable to punishment, only they repealed those Acts.

Fabian's History.

The debate upon this Ordinance of *Null and Void*, held from Monday, 9. of *Aug.* to the 20. *Aug.* (when it was passed) but not without some interloping debates of something a different nature, yet all looking the same way; occasioned by *Messages* from the Lords: Namely, once upon a Message from them, The said *Declaration* from Sir *Thomas Fairfax* and his Army, concerning their *advance to London* was read and debated in grosse, whether the Commons should concur with the Lords in approving it? But almost all but the engaged party and their pensioners disflasted it, it was laid by without any question put, lest it should prove dangerous to put a Negative upon their Masters of the Army. Yet many menaces (according to custome) were used by the engaged party to get it passed: *Haslerigge* affirming that those Gentlemen that sate and voted for a *Committee of safety*, and the Kings comming to *London*, did drive on the design of the *City Protestation* and *Engagement*. To which was answered, *That the*

43.
The Lords
Message to the
Commons to
approve the
Declaration
of the Army:

44.
The Committee
of safety.

Committee

Committee of safety was not then newly erected by those which sate, but of the old Committee, revived by that Vote, which had been long since erected in a full and free Parliament, when the Army first mutined, and threatened to march to London, and for the same ends, defence of Parliament and City; and for the Kings coming to London, it was Voted onely to get him out of the power of the Army; as formerly in a full and free Parliament he had been Voted to Richmond for the same reason.

Upon another Message from the Lords, the Commons concurred in an Ordinance to erect a Committee of Examination, to inquire into, and examine the *City Petition, Engagement, and the force upon the Houses* 26. July, &c all endeavours to raise any forces, &c. This Committee consisted of 22. Commons besides Lords, almost all of them Members engaged with the Army: but because there were some three or four Presbyterians gotten in amongst them, to shut these *Canaanites* forth, that the Godly, the true seed of Israel might shuffle the cards according to their own mind, the 13. August after (upon another Message from the Lords) there was a Sub-Committee of Secrecy, named out of this Grand Committee of Examinations, to examine upon Oath; the persons were, the Earl of *Denbigh*, and *Mulgrave*, Lord *Gray of Wark*, Lord *Howard of Efrog*, Sir *Arthur Haslerigge*, Mr. Solicitor, *Gordon*, *Miles Corbet*, Alderman *Penington*, *Allen*, *Edwards*, Col. *Ven*, or any three of them; all persons engaged to live and die with the Army, and now appointed to make a clandestine scrutiny, and search into the lives and actions of the Presbyterian Party that sate in Parliament doing their duty, when the engaged Party fled to the Army, and brought them up in hostile manner against them.

The unreasonableness of this way of proceeding was much urged, and farther alleged, that it was neither consonant to the customs of the House, nor unto common reason, that a Sub-committee should be chosen out of the Grand Committee of Examinations, with more power then the Grand Committee it self had, and excluding the rest of the Committee, under the pretence of Secrecie; Besides, it was against the privilege of the House of Commons, that the Lords should nominate the Commons in that Sub-committee as well as their own Members. But the Independent Gran-

45.
A Committee to Examine the Tumult.

46.
A Sub-committee of Secrecy selected to examine the Tumult.

47.
Debate upon passing the Committee of Secret examinations

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dees would have it pass. Breach of Privilege and all other considerations are easily swallowed when they are subservient to their present designs.

48. The manner of prosecution & proceeding upon the Tumult.

The party engaged were resolved to be *Examiners, Informers, Witnesses*, as well as *Parties*; (so active was their malice) and had so well packed their Cards, that eight or nine Schismatical Lords engaged likewise with them, and the Army should be Judges of the Presbyterian Party that sat in absence of the two Speakers, the better to give the two Houses a through Purge, and make them of the same complexion with the Army: without which they had no hopes to divide the power and profit of the Land between themselves by 10000*l.* 20000*l.* in a morning shared amongst the Godly; and to make the whole Kingdom to be *Gibeonnes*, hewers of wood, and drawers of water to the faithfull.

49. Miles Corbet makes report of Examinations taken at the Close Committee. First, against the Committee of Safety.

In order to the playing of this game, *Miles Corbet* (Interpreter to the *State-puppet play* behind the curtain, commonly called *The Close Committee of Examinations*) upon the 3. *September*, stood up and began his Report from that Inquisition, saying, *He would begin with the Committee of Safety, wherein many Members were concerned, and it was necessary to purge the Houses first.* But further said, *he would suppress the names of many of his Witnesses, because the Depositions he should report were but preparatory Examinations, and it would be for service of the State to conceal their names.*

He first produced many Warrants signed at the *Committee of Safety* by the Earls of *Pembroke, Suffolk, Middlesex, Lincoln*, Lord *Wiltoughby of Parkham*, *Maynard*, Mr. *Hollis*, Sir *Phi. Stapleton*, Sir *Will. Waller*, Mr. *Long*, Mr. *Nichols*, Sir *William Lewis*, Mr. *Baynton*.

Against Master Baynton.

Next, *Corbet* reported, *he had a Witness who deposed that a Gentleman with a Red head had signed many Warrants, supposed to be Master Edward Baynton; at length after much wyer-drawing of the business, one Warrant was shewn to Master Baynton, which he confessed to be his hand. And presently Haslerig moved that Master Baynton might forthwith Answer; against which was objected, That since these were but preparatory Examinations, not legal proofs, no man was bound to Answer them; otherwise a man*

should

shall be but to as many several answers as several new masters of Charge come in against him, and shall day by day be liable to new vexations, and never know when he hath cleared himself. But Corbet (who of an examiner was now become the Kings Solicitor, or Advocate Criminal) moved to proceed to Judgement against him: but first to aske him some preparatory questions. But it was answered, that it was illegal to squeeze examinations out of a mans own mouth; neither was a man bound to answer, where his words may condemn, but not absolve him: for so much as depends upon the testimony of Witnesses against this Gentleman, you cannot proceed unless he be by, and have liberty to put cross questions to the Witnesses. It is alleged, Warrants were signed, and all done in relation to a new War. It is answered, it was done in order to Self-defence (allowed by the Laws.) Long before this occasion, when the Army first mutinied and threatened to march up to London, and use such extraordinary means against the Parliament and City as God had put into their hands, you then in a full and free Parliament appointed a Committee of Safety for your defence, who sate and acted. This Committee was but the same revived, and upon the like or worse threats and menaces, as by the many printed papers from the Army will appear; you have no Testimony against this Gentleman by name, but only a character of his Hair: and for signing the Warrant confessed by himself he is acquitted by the *Proviso* of the Ordinance 20 August last, which excepted only such as acted upon the force; but when the Committee of Safety was revived, the Parliament was freer from force than it is now. Mr. Baynton notwithstanding, was adjudged to be suspended the House during pleasure of the House, which is as much as to say, *So long as the Tyranny of this Domineering Faction lasteth.*

The 4 of Sept. Corbet reported he had a Witness (but named him not, because they were but preparatory examinations) who deposed, that an elderly Gentleman, of low stature, in a Gray suit, with a little stick in his hand, came forth of the House into the Lobby when the tumult was at the Parliament door, and whispered some of the Apprentices in the ear, and encouraged them, (supposed to be Mr. Walker.) Mr. Walker denyed he spake then with any man in the Lobby, or saw any face that he knew

Against Mr. Walker.

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there; and so neglected the business as a thing not considerable. But the next day *Corbet* moved that Mr. *Walker* might be ordered to put on his Gray suit again, and appear before the Close Committee, and the Witnesses, who saith, *he knoweth him again if he see him*. I hear Mr. *Walker* desired to know (seeing the Witness had not named him) by what Authority the examiners should take such a Deposition, and make application thereof to him; And seeing there were many Gentlemen in the House that day with whom that Character agreed as well as with himself, why the Reporter did not move that all to whom that Character was applicable might be put to that test as well as himself, but single him out for a mark to shoot at; complaining, that he was not ignorant out of what quiver this Arrow came: he had been threatned with a revenge by some of that Close Committee, and had other Enemies amongst them, that could bite without barking. He told them that yesterday Mr. *Corbet* reported that the supposed old man whispered, &c. but desired those that were then in the House to call to mind that the noise was then so great in the Lobby, that no whisper, nay the loudest words he was able to speak could not be heard. Then *Corbet* changed his Tale, saying, the words were, *What you do, do quickly*; and were spoken aloud; and said the Character agreed best with Mr. *Walker*, for that the Deponent said, the Gentleman was a Lean meager man.

Here Mr. *Walker* desired the House to take notice, that the Reporter had twice varied his Report. 1 In the words spoken, from a *whisper* to *loud speaking*. 2 In the Character enlarged with the words *lean and meager*. Here is haile-shot provided, if one misse the other must hit; Yet with this addition, there were divers in the House with whom the Character agreed as well as with himself. And by the incivility of his words, it should seem the Witness is a man of no breeding; wherefore he desired to hear his *name*, that he might inquire of his credit and repute. If the Reporter thinks he may be practised, he doth not think him a man of honesty, and then he had more cause to suspect him. He farther complained, that to make Hue and Cry after him (as it were upon fresh sure) upon a Character of his person and cloaths five or six weeks after the supposed fact (he never having absented

ted himself one day from the House) savoured too much of a party overweighed with malice and revenge.

Your Close Committee of Examination carry on businesses so in the dark (being parties engaged with the Army, and not sworn to be true in their office) that no man can see how to defend himself, or how he is dealt with, or when he is free from trouble and danger. It seems we are here called *ex tempore* to answer for our lives, *ore tenus*; and our Accusation beginneth with the Examination of our persons, to make us state a Charge against our selves, to betray our selves, and cut our own throats with our tongues, contrary to *Magna Charta*, the *Petition of Right*, and all those Laws of God and Man, which in the Kings time were in use; and no Witnesses are produced, nor so much as named: methinks therefore we are compelled to play at *blind-man bough* for our lives, not seeing who strikes us. You have the most summary way of hanging one another that ever I saw; it is a kind of *Star-chamber* proceeding in matter of life and death; your secret Examinations savours so much of the *Spanish inquisition*, and of the *Council of troubles* erected by the Duke d'Alva in the *Low-countries* (called *Consilium Sanguinis*) that they can never agree with the *Laws and Nature of our Nation*: if our Kings shall imitate you hereafter, they will be the greatest Tyrants in the World. Formalities and Privileges of Court, derogating from the common Rules of Law, and practice of the Land, are but curtains drawn before oppression and tyranny to dazle mens eyes. Give me leave to tell you, that I have served you faithfully from the beginning, and have taken as much pains, and run as many hazards, as most men in your service, wherein I have lost my health, and above 7000 l. of my Estate, without one penny compensation, as other men have had; nor have I laid my hand upon any mans money or goods, or had any gainfull employment from you; I contented my self to serve my Country *gratis*, and with some little honour I had gotten thereby, whereof you have now robbed me, by a roaving Accusation shot at random at me. Had I cheated the State of 40000 l. or 50000 l. peradventure I might have been thought a Godly, confiding man, of right principles, and have had 10000 l. given me for my pains. Sir, You have heard the voice of a Free-man (not of a slave) that dares keep his first Principles, Religi-

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Religion, Laws, and just liberties, whosoever lays them aside; and protest against Tyranny and oppression, wheresoever he finds it, whether in the Government of *one* or *many*. You may murder me by the Sword of Justice, but you cannot hurt me: but deliver me from the evils to come. Nor shall I be unwilling to suffer a Gaol-delivery of my Soul from the prison of my body when I am called to it.

When Mr. *Walker* had done his defence, the debate followed much to this purpose, *That to order him to appear in his Gray suit before the Close Committee and Witness was illegal, and against the Laws and Liberties of the Subject.*

1. *It is to help another to accuse himself; which is all one as if he did accuse himself.*

2. *To bid a Witness look upon a man (after he is engaged to name some body) is to prompt him to go no farther than the party shewed.*

3. *A Witness ought not to be twice examined against a man, that is, to draw him on by degrees to swear home, and to mend in his second Deposition what fell short in his first.*

4. *If the Witness first depose to the matter, not naming the party, and five or six weeks after declare the Person without Oath, this is no Deposition, and if the Oath be renewed, the Witness is twice examined: So the business was laid by, and Corbet allowed to shew Mr. *Walker* casually as he could meet with him to his Witness, which was (in a manner) to draw dry-foot after him with his blood-hound.*

I was the more curious in gathering the circumstances of this business out of the reports of many several men, in regard of the rareness of the case, and the exquisiteness of the malice with which it was prosecuted. And it seemed to me the more admirable, because I hear generally that Mr. *Walker* hath always been opposite to all parties and factions, both *Presbyterian* and *Independent*, upon whom he looks as the common disturbers both of Church and Commonwealth, and enemies of peace. Nor could he ever be perswaded to be at any of their *Funto's* or secret meetings; and therefore it is not probable he should suddenly and in the open view of the House go forth and engage with a company of silly unarmed Apprentice Boys. But I hear they cannot endure his severity, nor he their knavery. What will not the malice

of a desperate Anabaptistical faction attempt? they have long sported in the blood and treasure of the Land, as the *Leviathan* doth in the Waters; and do now keep up a numerous Army to carry on those designs by force, which they can no longer make good by fraud. All *England* is become as *Munster* was, and our *Grandees* suitable to *John of Leyden* and *Knipperdoling*.

The next report *Corbet* made concerning Mr. Recorder *Glyn*. Against Mr.
Recorder *Glyn*.
The chief things objected were, *That he had frequented the Common Council, the Committees of the Militia, and Safety, more than he was wont to do: That he was silent and made no opposition; and that he gave thanks to the Apprentices when they delivered their Petition to the City, offering their help for defence thereof against whomsoever.*

The Recorder answered, *The Charge was long, and his Memory short: He desired time to examine his memory, concerning the circumstances of time, place, persons and other matters; and that he might examine Witnesses for clearing his innocency.* But his prosecutors (hoping to do more good upon him by way of Surprise, than in a deliberate and legal way of proceeding) put him upon it to answer *ex tempore*. He confessed and avoided some things, but denied the most material. He denied he was more frequent at their meetings than ordinary. For his silence, he alleged, he was but the Cities servant, and had no voice amongst them, but when his opinion was demanded: That he gave thanks to the Apprentices as a servant by command, yet had mixed some admonitions and reprehensions in his Speech to them.

So the Recorder withdrew. And presently *Haslerig* (according to his custom) moved judgment might be given against him. To which was answered, that the Recorder denied the principal parts of his Charge; and offered proofs by Witnesses: you must give him that leave, or take all parts of his speech for granted; as well that makes for him, as against him. Two or three days more will make this business ripe for judgment: let him have one judgment for all. If you judge him now to be expelled the House, he is already forejudged, and that will be a leading case to a farther judgment: for who dares acquit where you have condemned? A man ought to be but once judged upon one accusation. The dishonour of expulsion is a punishment exceeding death.

death. If you judge now upon one part of the Accusation, and hereafter upon another part of the Accusation, he will be twice condemned upon one Accusation, and shall never know when he hath satisfied the Law, an endless vexation.

Yet *Hastlerig* moved he might receive judgment now, for what was already proved or confessed, to be expelled the House, (saying, *The Lords went on without obstruction in their business, because they had purged their House*) and that he might be farther impeached hereafter upon farther hearing. So he was adjudged to be discharged the House, committed to the Tower, and farther impeached hereafter.

Against *John Maynard*.

Sir *John Maynard* the same day was called to Answer. He desired a copy of his Charge, with leave to Answer in writing by advice of Counsel, as the 11. Members formerly did; to examine Witnesses on his part, and cross examine their Witnesses. But these requests were denied, and he commanded to Answer *ex tempore*. He gave no particular Answer, but denied all in general: as Col. *Pride* (whom he cited for his president) had formerly done at their Bar. He was adjudged to be discharged the House, committed to the Tower, and farther impeached.

The like for Commissary General *Copley*, whose case differed little.

Against the 7. Lords.

The 8. of *Sept.* the Earls of *Suffolk, Lincoln, Middlesex*, the Lords *Berkley, Willoughby, Hunsdon, and Maynard*, were impeached of High Treason in the name of the Commons of *England*, for leaving War against the King, Parliament, and Kingdom. The Earl of *Pembroke* (then sent to *Hampton Court* with the Propositions on purpose to avoid the storm) was omitted untill Wednesday following, and so had the favour to be thought not worth remembering.

Sir *John Evelin* the younger sent up to the Lords with the *Impeachment*, and a desire they might be committed. They were committed to the *Black Rod*; and so the engaged Lords had their House to themselves according to their desires.

50.
Schismatical
Petitions.

The 14. *Sept.* A Petition from divers Schismaticks in *Essex* came to the Houses, bearing this Title, *To the Lords and Commons in Parliament assembled, distinct from the Lords and Commons that sate in absence of the two Speakers.*

16. *Sept.*

16. Sept. a Petition from divers Sectaries of *Oxfordsh. Bucks. Berksh.* was delivered to the House against divers Members sitting in the House, *Enemies to God and Godliness, Enemies to the Kingdom, &c. Usurpers of Parliamentary authority, who endeavoured to bring in the King upon his own Terms.* They desired a free Parliament, and that (according to the desires of the Army) *those that sat when the Parliament was suspended in absence of Tythes, &c. in it.* Such another Petition came but the day before from *Southwark.*

These Petitions were all penned by the engaged party of the Houses and Army, and sent abroad by Agitators to get subscriptions. The design was to put the two parties in the House into heights one against another, to make the lesser party in the House (*viz.* the engaged party, but 59.) to expel the greater party, being about 140. whereby the House might be low and base in the opinion of the people, and no Parliament, and so leave all to the power of the Sword. The Army daily recruiting, and thereby giving hopes to all loose people, that the Army should be their common Receptacle, as the sea is the common Receptacle of all waters, because those who had no hopes to be Members of Parliament, might become Members of this Army. Besides their plausible way of prompting the people to Petition against Tythes, Enclosures, and Copy-hold fines uncertain, was to encourage them to side with the Army against all the Nobility, Gentry, and Clergy of the Land, (from whom the Army did most fear an opposition) and to destroy Monarchy it self; since it is impossible for any Prince; to be a King only of Beggars, Tinkers, and Coblers.

But these interlocking discourses omitted, let us again return to these prodigious Impeachments. The next in order comes in the Lord Mayor, Aldermen and Citizens, with whom short work was made. Impeachments were sent to the Lords against them, and they sent to the Tower upon a bare report of the Inquisitor-general *Corbet*, and the reading of some depositions, the Witnesses names for the most part concealed, and none of them so much as called to the Commons Bar, to see what they could say for themselves; contrary to *Magna Charta, 29. ch.* and contrary to 28. *Edw. 3.* enacting, *That no man shall be put out of his Land, &c. nor taken, nor Imprisoned, &c. or put to death, &c. without being*

The aim of these Petitions.

Against the Lord Major Aldermen and Citizens.

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brought to answer by due process of Law. That is, according to the Stat. 42. Ed. 3. c. 3. That no man be brought to answer without presentment before Justices, or matter of Record, or by due process, or writ original according to the old Law of the Land: not according to new invented Articles of Impeachment, but according to those Laws that were well known, and old in Edw. 3. time: See Stat. 37. Ed. 3. 1. Ed. 6. ch. 12. 6. Ed. 6. c. 11. and the Stat. 25. E. 3. saith, No man shall be taken by Petition or suggestion made to the King or his Counsel, &c. and the House of Peers is no more but the Kings Counsel, as anon I shall make evident.

57:
Arguments against im-
peachments
before the
Lords.

It was moved by divers, that these Gent. might be tryed according to Law at the Kings Bench, by a Jury of twelve men *de vicineto*, their Peers and Equals to judge of matter of fact: alleging that the Common Law was the Birthright of all the free People of England: which was one of the 3. Principles for which the Parliament so often declared in print that they fought, and for defence whereof they had entered into a covenant, with their hands lifted up to God: the other two principles were Religion and Liberties.

1. The Lords were not Peers to the Commoners: At the common Law they shall have sworn Judges for matter of Law, of whom they may ask questions in doubtful points, nor can they be Judges in their own cases.

2. They have sworn Jurors of the Neighbourhood for matter of fact, whom they may challenge.

3. The known Laws and Statutes for Rules to judge by, which in case of Treason in the Stat. 25. Ed. 3. you cannot Vote nor declare a new Treason: And if you could, to do it *Ex post facto*, is contrary to all rules of justice: The Apostle saith, sin is a breach of a Commandment (or Law) I had not known sin but by the Law: the Law therefore must go before the Sin.

4. At the Common Law, They have Witnesses openly and newly examined upon Oath before the accused's face, who may except against them and cross examine them.

5. Even in Star-chamber and Chancery (where only hearings are upon Testimonies) the Examiners are sworn Officers.

6. A man hath but one Tryal and Judgment upon one accusation: so that he knows when he hath satisfied the Law.

In this way of proceeding, all these necessary legalities are laid by,

by; and these Gentlemen have not so much fair play for their Lives and Estates, as *Naboth* had for his Vineyard: he had all the formalities of the Law; yea, he had Law it self; yet he had not justice, because they were the sons of *Belial* that were set before him: what shall we conceive these Witnesses are that do not appear? nay, whose very names are concealed? yet *Naboth* was murdered by the sword of Justice: for the honour of Parliaments give not the people cause to suspect these Gentlemen shall be so too: *non recurrendum ad extraordinaria, quando fieri potest per ordinaria.*

But all this was but to charm a deaf Adder: the nine or ten engaged Lords that then possessed the House, were thought to be fitter than a Jury of *Middlesex* to make work for the hang-man, and yet they have no *Judicature over the Commons*, as appears by the President of Sir *Simon de Berisford*, *William Talboys*, and the City of *Cambridge*. Note that one president against the Jurisdiction of a Court is more valued than a hundred for it: because the Court cannot be supposed ignorant of the Law, and its own rights; but a particular man or Client may: see Sir *John Maynard's Royal quarrel*, and his *Laws subversion*, Lieutenant Col. *Lilburn's Whip* for the present House of Lords, and Judge *Jenkins Remonstrance to the Lords and Commons of the two Houses of Parliament*, dated 21 Feb. 1647. As for the cases of *Weston*, *Gomenes*, and *Hall*, (cited by Mr. *Pryn*) they were for facts done beyond Sea, and before the *Stat. 1. Hen. 4. ch. 14.* whereof the Common Law could then have no connuſance, and therefore an extraordinary way of proceeding before the Lords was requiſit, and by the King's special authority it was done, without which (I dare boldly affirm) the Lords have no *Judicature* at all; which thus I make appear.

52.
Arguments
proving the
Lords to have
no power of
Judicature o-
ver the Com-
mons.

1. The King by delivering the Great Seal to the Lord Keeper, makes him *Keeper of his conscience* for matter of equity; By His *Brevia patentia* to the Judges of the two *Beneches* and the *Exchequer*, the King makes them administrators and interpreters of his Laws: But he never trusts any but himself with the power of pardoning and dispensing with the rigor of the Law in Criminal cases. And though the Lord Keeper is Speaker of the Lords House of course, yet he is no Member of the Lords House *virtute Officii*: the Jud-

53.
The House of
Peers no Court
of Judicature
at all properly
and per se.

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ges are not Members, but assistants only: so that no man in the House of Peers, as he is simply a Peer, is trusted by the King either with dispensation of Law, or Equity.

2. When a Peer of Parliament, or any man else is tried before the Lords in Parliament criminally, he cannot be tryed by his Peers only, because in acts of judicature there must be a Judge Superior, who must have his inferiors ministerial to him: therefore in the trial of the Earl of *Strafford* (as in all other trials upon life and death, in the Lords House) the King grants his Commission to a *Lord high Steward* to sit as Judge, and the rest of the Lords are but in the nature of Jurors. So that it is the Kings Commission that Authoriseth and Distinguiseth them.

3. When a Writ of Error issueth out of the Chancery to the House of Peers, they derive their Authority meerly from that Writ.

For the three Reasons aforesaid, the House of Peers is no Court of Judicature, without the Kings special Authority granted to them, either by his Writ, or his Commission; and the Lords by their four Votes having denied all further address or application to the King, have cut off from themselves that fountain from which they derived all their power; and all trials by Commission must be upon Bills or Acts of Attainder, not by *Articles of Impeachment*, a way never heard of before this Parliament, and invented to carry on the designs of a restless impetuous faction: Had the Faction had but so much wit as to try the Gentlemen by Commission of *Oyer and Terminer*, before Sergeant *Wild*, he would have borrowed a point of Law to hang a hundred of them for his own preferment.

Observe, that almost all the cases cited by Mr. *Pryn* concerning the Peers trials of Commissioners were Authorised by the King upon the special instance of the House of Commons; as for the House of Commons, they never pretended to any power of Judicature, and have not so much Authority as to Administer an Oath, which every Court of *Pye-Poulder* hath.

But this way of tryal before the pre-ingaged Lords, and upon *Articles of Impeachment*, (which they keep by them of all sorts and sizes fit for every man, as in *Birchin-lane* they have suits ready made to fit every body) was the apter means to bring men

men to death, whom they feared living, had not a doubt of the Scots comming in taught them more moderation than their nature is usually acquainted with ; and to fright away, (at least) put to silence the rest of the Members with fear of having their names put in blank Impeachments ; and that it might be so apprehended, *Miles Corbet* moved openly in the House of Commons that they should proceed with the Impeachments which were ready, nothing wanted but to fill up the Blanks, they might put in what names they pleased. This Inquisitor General, this Prologue to the Hang-man, that looks more like a Hang-man than the Hang-man himself, hath since gotten a rich office of *Register of the Chancery*, as a reward for his double diligence : Oh Sergeant *Wild* and Mr. *Steel* despair not of a reward.

Friday 27 Sep. the advice of Sir *Thomas Fairfax* and his Council of War was read in the House of Commons, What standing forces they ought to keep up in *England* and *Wales*, and what Garrisons ; also what forces to send for *Ireland* ; namely, for *Ireland*, 6000 foot, and 2400 horse, out of the supernumerary loose forces, being no part of the Army ; and for *England*, upon established pay 18000 foot at 8d. *per diem*. 7200 horse at 2s. *per diem* each Trooper, 1000 Dragoons, and 200 Fire locks, Train of Artillery, Arms and Ammunition, to be supplied. The foot to be kept in Garrisons, yet so that 6000 may be readily drawn into the Field,

55.
Establishment
for the Army.

The Independent party argued, that the Army were unwilling to go for *Ireland*, 'pretending their engagement to the contrary ; If you divide or disband any part of your Army, they will suspect you have taken up your old resolution against them, to disband the whole Army : it is now no time to discontent them, when the Kings Answers to your Propositions tend to divide you and your Army, and the people are generally disaffected to you.

The Presbyterian Party argued, that the engagement of the Army ought to be no rule to the Counsels of the Parliament ; otherwise new engagements every day may prescribe the Parliament new Rules ; we must look two ways. 1 Upon the people unable to bear the burthen. 2. Upon the Army. Let us keep some power in our own hands, and not descend so far below
the

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the dignity of a Parliament, as to put all into the hands of the General and his Council of War. You have almost given away all already. The Army adviseth you to keep up your Garrisons, then upon mature deliberation this House formerly Voted: you have already made Garrisons manned with gallant and faithfull men, to whom you owe Arrears; to remove them, and place new Souldiers in their rooms, will neither please them, nor the places where they are quartered, who being acquainted with their old guests, will not willingly receive new in their rooms. These men have done you as good and faithfull service as any in the Army; and were ready to obey you and go for *Ireland*, had they not been hindered by those, who under pretence of an engagement to the contrary (which they mutinously entred into) will neither obey you, nor go for *Ireland*, nor suffer others to go. Though you discharge these men without paying their Arrears, (which others of other principles will not endure) yet give them good words. If you will be served by none, but such as are of your new principles; yet consider your Army are not all alike principled. and peradventure the old principles may be as good as the new for publick, though not so fit for private designs and purposes. You have passed an Ordinance, *That none that have borne Arms against the Parliament shall be employed*: if you disband all such, your Army will be very thin; many have entred into pay there in order to do the King service, and bring the Parliament low. There is no reason you should keep up 1400 horse more than you last voted to keep up, being but 5800 at which time 60000l. a Month was thought an establishment sufficient both for *England and Ireland*. But now the whole charge of *England and Ireland* will amount to 114000l. a month, which must be raised upon the people, either directly and openly by way of seffement, or indirectly and closely, partly by seffements, & partly by free-quarter & other devices: nor will the pay of 2s. per diem to each Trooper, and 8d. to each foot Souldier enable them to pay their quarters. If you mean to govern by the Sword, your Army is too little: if by the Laws and justice of the Land, and love of the people, your Army is too great: you can never pay them, which will occasion mutinies in the Army and ruine to the Country. Thus disputed the Presbyterians, but to no purpose, it was carried against them.

Ob.

Observe that when the War was at the highest, the monthly tax came but to 54000*l.* yet had we then the Earl of *Essex's* Army, Sir *William Waller's*, My Lord of *Denbigh's*, M. Gen. *Poyntz's*, M. Gen. *Masseys*, Maj. Gen. *Laughorn's*, Sir *William Brereton's*, Sir *Th. Middleton's* Brigades, and other forces in the field, besides Garrisons.

But now this Army hath 60000*l.* a month, and 20000*l.* a month more pretended for *Ireland*; which running all through the fingers of the Committee of the Army,

56.
Monthly taxes.

That Kingdom (which is purposely kept in a starving condition to break the Lo. *Inchequins* Army, that *Ireland* may be a receptacle for the *Saints*, against *England* spews them forth) hath nothing but the envy of it, the sole benefit going to this Army. This 20000*l.* a month being a secret unknown to the common Souldiers, the *Grandeess of the Army* put it in their own purses.

57.
Ireland why kept in a starving condition.

Moreover, this Army hath still a kind of free quarter, (under colour of lodging, fire and candle,) for who sees not that these matterless guests upon that interest continued in our houses, do and will become Masters of all the rest? and who dares ask money for quarter of them, or accept it when it is colourably offered, without fear of farther harm? besides, the Army, (whose requests are now become Commands) demanded that they might have the leavying of this Tax, and that their accounts might be audited at the Head-quarters; and though the Officers of this Army (to catch the peoples affections) encouraged them often to Petition the Houses against Free-quarter, pretending they would forbear it, after an establishment settled upon them; the use their party in the House made of these Petitions, was to move for an Addition of 20000*l.* or 30000*l.* a month, and then they should pay their quarters, lodging, fire and candle, nay stable-room too excepted.

Here it is not amiss to insert a word or two of this villanous oppression, Free-quarter; whereby we are reduced to the condition of conquered Slaves, no man being Master of his own Family, but living like Bond-slaves in their own Houses, under these *Egyptian Task-masters*, who are spies and intelligencers upon our words and deeds, so that every mans table is become a snare to him. In the third year of King CHARLS, the Lords and

58.
Free-quarters.

and Commons in their Petition of Right (when not above 2000. or 3000. Souldiers were thinly quartered upon the people but for a month or two) complained thereof to his Majesty as a great grievance, contrary to the Laws and Customes of the Realm, and humbly prayed as their right and Liberty, according to the Laws and Statutes of this Kingdom, that he would remove them, and that his people might not be so burthened in time to come, which his Majesty graciously granted. Yet now we are ten thousand times more oppressed with them, and if these quarterers offer violence or villanous usage to any man in his house or family, or commit murder or felony, they are protected against the Laws and Justice of the Land, and *Triable only by a Council of War* at the Head-quarters, where a man can neither obtain justice, nor seek it with safety. So that we live under the burthen of a perpetual Army of 30000. or 40000. men, exempt from all but Martial Law, which frequently oppresseth, seldom righteth any man: witness *Oliver Cromwell's* taking of *Tompson* (being no Souldier) from the House of Commons door with Souldiers, imprisoning and condemning him at a Council of War, where he sate Judge in his own cause, there being a quarrel between them; yet it was held Treason in the Earl of *Strafford*, to condemn the Lord of *Valentia* so, being a Member of his Army, because it was in time of Peace, as this was. Many other examples we have of the like nature, and of this Army, enough to perswade us, that these *vindicative Saints* will not govern by the known Laws of the Land, (for which they have made us spend our money and blood) but by Martial Law, and Committee Law, grounded upon Arbitrary Ordinances of Parliament, which themselves in the first part of *exact Collections*, p. 727. confess, are not laws without the Royal assent.

This Army hath been dayly recruited without any Authority, far beyond the said number or pay established; the supernumeraries living upon free-quarter; and when complaints have been made thereof in the House, the Army being quartered in several Brigades, supernumeraries have been disbanded in one brigade, & their Arms taken by their Officers, and shortly after they have been listed again in another Brigade, and their Arms sold again to the State, after a while to new Arm them. And of this sort were

59.
Martial Law.

60.
Cheats put up-
on the State.

were those Arms which being found in a Magazin in Town by some Zealots, and rumoured to belong to the City for the arming of Reformado's, were upon examination found to belong to *Oliver Cromwell*: so the business was buried in silence; for though the Kings oversights must be tragically published to the world, yet the haynous crimes of the godly must lye hid under the mask of Religion.

And though they have usually taken free-quarter in one place, and taken Composition money for free-quarter in another place, some of them in two or three places at once 3s. a day, some of them 4s. for a Trooper, and 1s a day, and 1s. 6d. for a foot souldier, whereby no arrears are due to them, but they owe money to the State, yet they have compelled the Houses to settle upon them for pretended Arrears.

1. The moiety of the Excise (that they may have the Souldiers help in leavying it; although to flatter the peope, the Army had formerly declared against the Excise.)

2. The moiety of *Goldsmiths-hall*.

3. Remainder of Bishops Lands.

4. The Customes of some Garrisons.

5. Forrest Lands.

This Army brags *They are the Saviours (nay Conquerours) of the Kingdom*. Let them say when they saved it, whether at the Fight at *Nazeby*, or taking in of *Oxford*, and we will pay them according to the then list. And for all the recruits taken in since the reducing of *Oxford*, it is fit they be disbanded without pay, having been taken in without, nay, against Authority, to drive on wicked designs, and enthrall King, Parliament, City, and Kingdom.

24. Decemb. 1647. The two Houses by their Commissioners presented to the King (at *Carisbrook-Castle*) 4. Bills to be passed as Acts of Parliament, and divers Propositions to be assented to. They are all printed, so is his Majestis Answers to them, wherefore I shall need to say the less of them, only a word or two to two of the Bills.

1. The Act for raising, settling, and maintaining Forces by Sea and Land, within the Kingdoms of England and Ireland, Wales, &c. (though it seems to be but for 20. years) devests the

K

King,

61.

Arrears secur'd
although the
State owes
them nothing.

62.

4. Dethroning
Bills presented
to the King
at *Carisbrook
Castle*.

63.

Acts for the
Militia.

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King, his Heirs, and Successors, of the power of the Militia for ever, without hope of recovery but by repealing the said Act, which will never be in his nor in their power: for,

First, it saith, *That neither the King, nor His Heirs, or Successors, nor any other, shall exercise any power over the Militia by Land or Sea, but such as shall Act by authority and approbation of the said Lords and Commons: That is, a Committee of State of twenty or thirty Grandees, to whom the two Houses shall transfer this trust, being over-awed by the Army, (for the ground-work of this Committee was laid by these words, though the Committee be erected since.)*

And Secondly, it prohibiteth the King, His Heirs and Successors, &c. after the expiration of the said 20. years, to exercise any of the said powers without the consent of the said Lords and Commons, and in all cases wherein the said Lords and Commons shall declare the safety of the Kingdom to be concerned after the said 20. years expired, and shall pass any Bills for raising, Arming, &c. Forces by Land or Sea, or concerning Levying of Money, &c. if the Royal assent to such Bills shall not be given by such a time, &c. then such Bills so passed by the Lords and Commons shall have the force of Acts of Parliament without the Royal assent. Lo, here a foundation laid to make an *Ordinance of both Houses* equal to an *Act of Parliament*, & take away the King's *Negative Voice*, if this be granted in one case, it will be taken in another, and then these subverters of our Religion, Laws, and Liberties, will turn their usurpations into a legal Tyranny.

2. It gives an unlimited Power to the two Houses to raise what Forces and what numbers for Land and Sea, and of what persons (without exceptions) they please, and to employ them as they shall judge fit.

3. To raise what Money they please for maintaining them, and in what sort they think fit, out of any mans Estate. This is a Tax far more Arbitrary and unlimited than Ship-money, and the more terrible because it depends upon the will and pleasure of a multitude; who to support their own tyranny, and satisfy their own hunger after other mens goods, may and do create a necessity, and then make that necessity the law and rule of their acti-

ons and our sufferings: besides, they are but our fellow subjects that usurp this Dominion over us, which aggravates the indignity. If the 24 *Conservators of the Peace* in *Hen. 3.* time, were thought a burden to the Commons, and called *totidem tyranni*; what will our *Grandeas* prove when the *Power of the sword* is theirs by *Act of Parliament*? Besides, if the King give them his *Sword*, they may take all the rest of the Propositions demanded without a Treaty.

The *Bill for adjournment of both Houses to any other place, &c.* will enable the engaged Party of the two Houses and Army to adjourn the two Houses from time to time, to, or near the Headquarters of the Army; where those Members that refuse to enter into the same Engagement, shall neither sit with accommodation nor safety, and so be shaken off at last: this is a new way of *purging the Houses*. Besides, the Parliament following the motions of the Army, the King shall follow the Parliament, whereby the Army having both King and Parliament present with them, whatsoever attempt shall be made against the Army, shall be said to be against the safety and Authority of the King and Parliament, and a legal Treason, triable by Indictment, not a constructive Treason only triable before the Lords.

64.
Bill for adjournment of the Parliament as well for Place as time.

Note this Message to the King, *plus significat quam loquitur*, though it holdeth forth but four Demands to open view, yet it includes five; for, if the King passe these four Bills, as Acts of Parliament, either he must do it by his Personal Presence in the House of Peers, or by His Commission under the Great Seal; and so consequently must confirm the Parliaments Great Seal, and all things done by it, (to the nullifying His own Great Seal at *Oxford*.) His personal presence they will not admit; for, though they pretended heretofore they took up Arms to bring the King to his Parliament, yet now they continue in Arms to keep Him from His Parliament, lest the presence of the true Sun should obscure such Meteors, and *Ignes fatui*, as they are. Though this may be Godly and Saint-like dealing, yet it is not plain nor fair dealing, *laet anguis in herba*, there is *Coloquintida*, nay death in the pot.

Monday 3 Jan. the Kings Answer to the said Bills and Propositions was debated in the House of Commons. And first, Sir Thomas Wroth (Jack-Pudding to Prideaux the Post-master) had his

65.
The Kings answer debated.

The History of Independency.

cue to go high, and feel the pulse of the House ; who spake to this purpose, *That Bedlam was appointed for madmen, and Tophet for Kings : that our Kings of late had carried themselves as if they were fit for no place but Bedlam : that his humble motion should consist of three parts.*

1 *To secure the King, and keep him close in some inland Castle with sure guards.*

2 *To draw up Articles of Impeachment against him.*

3 *To lay him by, and settle the Kingdom without him ; he cared not what form of Government they set up, so it were not by Kings and Devils.*

Ireton's Speech. Then Commissary Ireton (seeming to speak the sense of the Army, under the notion of many thousand Godly men who had ventured their lives to subdue their enemies) said after this manner, *The King had denied safety and protection to his people by denying the four Bills ; that subjection to him was but in lieu of his protection to his people ; this being denied, they might well deny any more subjection to him, and settle the Kingdom without him : That it was now expected, after so long patience, they should shew their Resolution, and not desert those valiant men who had engaged for them beyond all possibility of retreat, and would never forsake the Parliament, unless the Parliament forsook them first.*

Cromwel's Speech.

After some more debate, when the House was ready for the question, Cromwel brought up the rear, and giving an ample Character of the valour, good affections, and godliness of the Army, argued ; *That it was now expected the Parliament should govern and defend the Kingdom by their own power and resolutions, and not teach the people any longer to expect safety and government from an obstinate man, whose heart God had hardened : That those men who had defended the Parliament from so many dangers with the expence of their Blood, would defend them herein with fidelity and courage against all opposition. Teach them not by neglecting your own and the Kingdoms safety (in which their own is involved) to think themselves betrayed, and left hereafter to the rage and malice of an irreconcilable enemy whom they have subdued for your sake ; and therefore are likely to finde His future Government of them insupportable, and fuller of Revenge than Justice, lest despair teach them to seek their safety by some other means than adhering to,*

you,

you, who will not stick to your selves; and how destructive such a resolution in them will be to you all, I tremble to think, and leave you to judge.

Observe, he laid his hand upon his Sword at the latter end of his speech; that Sword that which by his side could not keep him from trembling when S. Philip Stapleton baffled him in the House of Commons.

This concluding Speech having something of menace in it, was thought very prevalent with the House.

The first of the four questions being put, *That the two Houses should make no more Addresses nor Applications to the King*; the House of Commons was divided, 141 yeas, to 91 noes, so it was carried in the Affirmative.

66.
The 4 Bills for no addresses nor applications: passed.

The other three Votes followed these Vote with facility: See them in print. Upon the last of these 4 Votes the House was divided, and candles were Voted to be brought in only to tell the House; yet (contrary to the said Order) when the candles were in they proceeded farther, as followeth:

The Members had been locked into the House of Commons from before nine of the clock in the morning to seven at night, and then the doors were unlocked, and what Members would, suffered to go forth, whereby many Presbyterians thinking the House had been upon rising, departed, when presently (the House being grown thin) the Vote to revive the Committee of both Kingdoms called *the Committee of safety at Darby-house*, passed by Ordinance dated 3 Jan. 1647. in these words; *Resolved, &c. That the powers formerly granted by both Houses to the Committee of both Kingdoms, (viz. England and Scotland) in relation to the two Kingdoms of England and Ireland, be now granted and vested in the Members of both Houses onely that are of that Committee, with power to them alone, to put the same in execution.* The original Ordinance that first erected this Committee, and to which this said Ordinance relates, beareth date 7 February 1643. in which the English Committees were appointed from time to time, to propound to the Scottish Commissioners whatsoever they should receive in charge from both Houses, and to make report to both Houses, to direct the managing of the War, and to keep good correspondency with forein States, and to receive directions from

67.
The Committee of Safety revived.

from time to time from both Houses, and to continue for three months and no longer. But this Ordinance, 3 *January* 1647. vests the said power in the Members thereof onely, and alone: words excluding the two Houses; and for a time indefinite.

*The Members of this Committee are now, the E. of Northumberland, Robert E. of Warwick, the E. of Kent, Ed. E. of Manchester, Wil. L. Say and Seal, Phil. L. Wharton, Jo. L. Roberts, Wil. Pierrepont, Sir Hen. Vane sen. Sr. Gilbert G. Ward, Sr. Wil. Armine, Sr. Ar. Haslerig, Sr. Hen Vane jun. Jo. Crew, Rob. Wallope, Oliver St. Johns, Sol. O. Cromwel, Sr. Brown, Natha. Fiennes, Sr. Jo. Evelin. jun.

* There were then added to this Committee, Nathaniel Fiennes, in place of Sir Phil. Stapleton; Sir John Evelin junior, in place of M. Recorder; and the Earl of Kent, instead of the Earl of Essex. 22 *Jan.* following, the Lords sent down a Message for a farther power to this Committee, which was granted in these words, *Power to suppress Tumults and Insurrections in England, &c. and at Barwick; and for that purpose the Committee to have power to give Orders and Directions to all the Militia*

and Forces of the Kingdom. The addition of four Lords and eight Commoners likewise to this Committee was desired, but denied.

68.
Whitehall and
the Mews Gar-
risoned.

* See Judge
Jenkins's Re-
monstrance to
the Lords and
Commons of
Parliament,
21. Feb. 1647.

Friday 14 *January*, after a long debate, it was ordered that Sir Lewis Dives, Sir John Stowel, and David Jenkins, be tryed as Traytors at the Kings Bench; the Grand Jury had found the Bill against Jenkins. Mr. Solicitor, &c. appointed to manage this business, * but Jenkins is so great a Lawyer, that the Solicitor durst not venture upon him, the long sword being more powerfull in his mouth than the Law; wherefore the Solicitor found an Error in the indictment, turned him back again upon the House to be impeached before the Lords, to whose Jurisdiction he pleaded: so the Solicitor put the affront from himself upon the Houses. It was now twelve of the clock, and many of the Independent party began to cry, *Rise, rise*; The Presbyterians thinking all had been done, many went to Dinner, yet the Independents sate still, and finding the House for their turn, moved, *That a Letter might be forthwith sent to Sir Thomas Fairfax, to send a convenient number of Foot to Garrison White-hall, and a party of Horse to quarter in the Mews.* The Lords concurrence was not desired to this Vote, but the Letters immediately drawn and sent.

Observe, that before this Vote passed, divers forces were upon

upon their March towards the Town, and came to *White-hall* Saturday following by eight of the Clock in the morning.

Saturday 15. Jan. The Army sent a Declaration to the House of Commons, *Thanking them for their 4. Votes against the King*, promising them to *live and die with the Commons, in defence of them against all Opponents.* 69.
The Armys Declaration, thanking the Commons for their 4. Votes.

Many of the Lords had argued very hotly against the said four Votes, inasmuch that it was 10. Lords to 10. but this engagement of the Army, and the unexpected garrisoning of *White-hall*, and the *Mews*, turned the scales; so that they passed the said 4. Votes, only adding a short preamble (little to the purpose) holding forth some reasons for passing them, to which the Commons, when they came down, assented. When presently (about twelve of the clock the House being thin) *Dennis Bond* moved, *That whosoever should act against those 4. Votes, or incite other to act against them, should be imprisoned and sequestred.* 70.
The Lords pass the 4. Votes.

Three or four days after the Lords had passed the said 4. Votes, the Army vouchsafed to spit thanks in their mouths, and make much of them. These 4. Votes were generally sinisterly taken, and filled mens minds with suspicion, what form of Government the Grantees would set up, now they had laid by the King; and every mans mind presaged a new War, which they conceived the Independent Grantees were willing to have, to colour their keeping up this Army, and raising money to maintain them, and every man began to lay the project of a new war at their door: notwithstanding, (by way of prevention) they had Impeached divers Members, and Citizens of *London*, for endeavouring a new War, when they did but raise men for their self-defence. 71.
The Army thanks the Lords.

To shew the people therefore the reasons of these 4. Votes, the Independent Grantees appointed a Committee to search into the Kings conversation and errors of his Government, and publish them in a Declaration to the World: wherein they objected many high crimes against Him concerning His Fathers death, the loss of *Rochel*, and the Massacre and Rebellion in *Ireland*: which upon debate in the House, were very much moderated by the Presbyterians; of which Declaration I will only say, that they have set forth no new matter therein, which they have not formerly published in parcels, since which time they have 72.
The Declaration against the King.

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have taken, and caused others to take the National Covenant, whereby they vow to maintain the Kings Person, Crown and Dignity, in defence of Religion, Laws, and Liberties: and therefore to reprint only the same things as arguments to lay by the King, favours more of design, than justice.

I will wade no farther in the censure of the said Declaration, lest I imitate the Authors of it; and as they by a feeble accusation have done the King much right, so I by a weak defence should do him much wrong.

73:
Tho. Haslerig's
Letter concern-
ing the King.

The people were as ill satisfied with this Declaration, as with the 4. Votes; wherefore (24. Feb.) Mr. Speaker, with much seriousness, presented to the House a Letter out of *Leicester-shire* from *Thomas Haslerig*, (brother to *Sir Arthur*) which was read, to this purpose, *That there was one Mr. Smalling, a Committee-man of Leicester-shire, who had been a Deputy examiner in the Star-Chamber, and affirmed, that above twenty years since there being a sute in Star-Chamber between the Earl of Bristol Complainant, and the Duke of Buckingham Defendant, concerning Physick presumptuously administered by the said Duke to King James; the said Smalling took many Depositions therein, and was farther proceeding in the Examinations, until a Warrant, signed by the King, was brought him, commanding him to surcease, and to send him the Depositions already taken; which Smalling did: yet kept notes by him of the Principal passages, doubting what farther proceedings might be hereafter in a business of such importance. Sir Henry Mildmay moved that Smalling be sent for, and examined upon Oath by the Committee that penned the said Declaration; but upon motion of the Presbyterians, he was Ordered to be examined at the Commons Bar. Smalling came, produced the Warrant, but no Notes, so this Chimera vanished.*

What the said Committee would have made of this, who knows? God bless us all from clandestine examinations, especially when they are taken by parties pre-engaged.

3. *Caroli*, This business had been ventilated and examined against the Duke, and no mention made of poisoning or killing King James; it was then only called, *An Act of high presumption and dangerous consequence in the Duke*: nor was there then the least reflection upon King Charles; yet now because King Charles dissolved

dissolved that Parliament, the Independent party were willing to raise a suspicion against him concerning His Fathers death : whereas the accusation against the Duke of *Buckingham*, 3. *Carols*, contained 7. or 8. Charges against him, the least whereof might occasion the dissolving of that Parliament.

These desperate courses (to dishonour the King, and make Him incapable of Government, to ruin His Person, Crown and Dignity, and extirpate Monarchy root and branch) were taken in order to the *usurping the Kingly power into the Grandees of the Parliament and Army*, and in case they could not purge the two Houses, and make them wholly Independent, (which they now despair of) then into the Hands of the Committee, or Council of State at *Derby-house*, and *Grandees of the Army*. In order to which, they are now contriving to strengthen the said Committee with more power and more Members; and to adjourn the Parliament, and sent down the Presbyterian Members into the Country upon pretence of service, where if any Tumults happen (for which their extortions will give sufficient provocation) the said dissenting Members shall bear the blame; and have blank Impeachments given them to purge them out of the Houses, if not out of the world, or at least be sequestered: for now they have squeezed what they can out of the Kings party by Sequestrations, the next felow to their covetousness is to sequester the Presbyterians; and then to sequester one another: for they are already divided into *Pure Independents* and *Mixed Independents*, and have feuds amongst themselves, for this faction (insatiate with money and blood) are all beasts of prey; and when they want prey, will prey one upon another: nor shall the Houses meet above one month or two in a year to ratifie and approve what *Derby-house*, and the *Funto* of the Army shall dictate to them; and to give an account to the domineering party how each Member hath carried himself in the Country. Thus instead of *one King*, we shall have *twenty or thirty tyrants* in chief, and as many subordinate Tyrants as they please to employ under them, with the Iron yoke of an Army to hold us in subjection to their Arbitrary Government.

Notwithstanding the aforesaid four Votes and Resolutions, the Cabal of *Grandees* still keep *Ashburnham* and *Barkley* in the Votes.

74. Why the independents went so high against the King: To usurp the regal power into themselves, either in the Houses purged, or in the Committee of Safety at *Derby house*.

75. Why the Grandees do still continue so truck with the King, notwithstanding the said 4.

Army, and have sent divers Turn-coat-Cavaliers and Emissaries under-hand disguised to the King, who pretending that by Bribes they had bought their admission to Him, after some insinuations endeavour with false and deceitfull news and arguments to shake His constancy, and perswade him to pass the said 4. dethroning Bills, (for these Usurpers of Sovereign Authority long to turn their armed and violent Tyranny into a legal Tyranny) or (at least) to make him *declare against the Scots coming in*. In both which cases He will dis-hearten His Friends (who endeavour to take the golden reigns of Government out of the grips of these *Phaetons*, and restore them again to His hand) unking Himself and His Posterity for ever, be carried up and down like a stalking Horse to their Designs, and be Crowned *Ludibrio Corona*, with straw or thorns. For who can think that at the end of twenty years, these Usurpers will lay down what they have so unjustly, contrary to all Laws, Divine and Humane, and contrary to their own Declarations, Oathes and Covenants, extorted? And who can, or dare, wrest these powers out of their hands, being once settled and grown customary in them; the peoples spirits broken with an habitual servitude; a numerous Army and Garrisons hovering over them; and all places of Judicature filled with corrupt Judges, who shall by constrained interpretations of the Law, force bloody presidents out of them, against whosoever shall dare to be so good a Patriot as to oppose their Tyranny? They could make *Steel* sharp enough to cut Captain *Burlies* throat for attempting to rescue the King out of the hands of a *Rebellious Army*, that neither obeys King nor Parliament, will find gold and silver enough to corrupt all the Judges: the mean to prefer and make them *Wild* and *vild* enough for their purposes. But it is hoped He hath more of a King, more of man in Him than to leese his Principles, and stumble again at the same stone, dash again upon the same Rock, whatsoever Syrens sing upon it; knowing He hath a Son at liberty to revenge His wrongs, all the Princes of Christendom His Allies, whose common cause is controverted in His sufferings; the greatest men of *England* and *Scotland* of His blood, and the People generally (whose farthest design was, to preserve their Laws and Liberties, and to defend the Parliament from being conquered by the
Sword)

Sword) looking with an angry aspect upon these Seducers, who by insensible degrees, and many forgeries have engaged them further than they intended, not to the *Defence of Religion, Laws, and Liberties*, but to the setting up of *Schism, Committee Law, and Martial Law, Impeachments before the Lords, and unlimited slavery*.

And I am confident this Faction despair of working upon the King, who like a Rock is *mediis turissimus undis*, whatsoever reports they give out to the contrary, having from the beginning made lies their refuge, which being wisely foreseen by the King, He sent a Message to both Houses (by way of prevention) delivered in the Painted-Chamber by the Lords of *Louderdale*, one of the Scots Commissioners, consisting of three heads,

- 1 That He was taken from Holdenby against his will.
- 2 That they should maintain the Honour and Privileges of Parliament.
- 3 That they should believe no Message as coming from him during his Restraint in the Army, but should only credit what they received from His own mouth.

These Grandees have cheated all the interests of the Kingdom, and have lately attempted the City again, and had the repulse. But the King is their old Customer, and hath been often cheated by them, and having him in strict custody, peradventure they may persuade Him it is for His safety to be deceived once more: wherefore (notwithstanding their many endeavours to root up Monarchy, dethrone the King, and His Posterity, and usurp his power; in order to which, they have overwhelmed Him, and all His, with innumerable calamities and reproaches) yet since the passing of the Declaration against the King, their desperate condition hath enforced them to make new Addresses in private to Him, notwithstanding their four Votes inflicting the *penalitie of Treason upon the Infringers*: But Treason is as natural to *Cromwel*, as false accusing, protesting, and lying; he is so superlative a Traytor, that the Laws can lay no hold on him. Lieutenant Colonel *Lilburn* in a verbal Charge delivered at the Commons Bar, accused him of many Treasonable Acts, which he avowed to make good: and in his Book, called, *A Plea for a Habeas Corpus*: But as if *Cromwel* were a Traytor *cum privilegio*,
the

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the House of Commons, (being under their Armed Guards) dares take no notice of it. But the *Roman Tribune* said to *Scipio Africanus*, in *Livy*, *Qui jus aquum ferre non potest, in eum vim hand injustam fore*, he that exalts himself above the Law, ought not to be protected by the Law.

To conclude, *Cromwel* hath lately had private conference at *Tarnham* with *Hammond*.

The Earl of *Southampton* hath been courted to negotiate with the King, and offered the two Speakers hands for his warrant.

Capt. *Titus* taken into favour and employed that way.

The *Grandeas* have brought themselves into a mist, and now wander from one foolish design to another.

The Spaniard is said to forecast in his debates, what will happen forty years after. But these purblind Politicians do not foresee the event of their Council forty days, nay hours beforehand; but it is a curse laid upon wicked men, to grope at noon day.

76.
Debates in the
Hou. of Com-
mons upon the
Scots Letters,
1 Concerning
the said 4
Votes.

About 5 or 6 of *Jan.* 1647. the Scots Commissioners had written certain Letters to the House of Commons; one whereof repeating the four Votes against the King, propounded to know, whether the Houses by their Votes, That no person whatsoever do presume to make or receive any Application or address to, or from the King, would debar the Scots to make or receive any Addresses to, or from Him, and so put an incapacity upon Him to perform acts of Government towards them. In the debate the Independents called to mind a more antient Vote, whereby it was Ordered, That the Scots might be admitted to the King. Against which was alleged, That these latter Votes, being made general, without exception, Repealed that former Vote. At last by an interpretative Vote it was concluded, That notwithstanding the said four latter Votes, the former Vote, That the Scots Commissioners might make Addresses to the King, was still in force. Observe that this was done four or five days after the Scots Commissioners were on their way towards Scotland.

2 Concerning
100000l. due
to the Scots.

The second Letter was concerning 100000l. due by contract to the Scots from the Parliament, whereof 50000l. was payable by assignment to divers Scots Gentlemen who had advanced money to hasten the Scots Army to our relief; whereof 10000l. was payable to the Earl of *Argyle*.

Sir

Sir Henry Milmay made a long Speech in praise of *Argyle*; saying, *That he and his party, and the Scottish Clergy, were the onely men that upheld the English interest in Scotland, and were better friends to us than all Scotland besides*: wherefore he moved, that *Argyle* might be paid his 10000*l.* and the rest continued at interest, at 8 *l.* per cent. Presently the whole Independent gang, with much zeal, and little discretion, ran that way, untill more moderate men stopping them in full cry, minded them what dishonour and danger they might bring their friend into by laying him open to suspicion.

After this it was resolved to send four Commons and 2 Lords into *Scotland* as Commissioners, with instructions. To send all Independents, would not be acceptable; 2. Presbyterian Commissioners therefore were sent, one whereof was sweetened with the gift of 1000*l.* and an Office, before they would trust him: with them were sent Mr. *Hearl*, and Mr. *Marshall*.

77.
Six Commissioners sent into Scotland.

Marshall, when he saw Independency prevail, had secretly turned his coat the wrong side outward, and joyned interest with Mr. *Nye*; but before he declared himself, he was to do some service for his new party: wherefore when the Army looked with a threatening posture upon the Parliament and City, before they marched through *London*, (the common Souldiers being in such discontent for want of pay, that they were ready to mutiny and disband, and their Officers scarce daring to Govern them) the first fruits of *Marshall's* service to his new friends, was, to perswade the City to lend the Parliament 50000*l.* to pacifie the Souldiers: assuring them by Letters, that the Army had nothing but good thoughts toward the City, onely the common Souldiers were troubled for want of pay: After the City had laid down the said 50000*l.* his next labour was, to perswade the Citizens to let the Army march through the City without opposition, for avoiding of blood-shed and firing; and to let them possess the Tower, and Line of Communication. After these services, the Grantees of the Parliament and Army, finding him suitable to them, received him into an avowed favour, and then four Independents and four Presbyterian Divines (conjoyning their Interests) were sent to season the Army, and new tune them according to the more modern design: *Marshall* was one, where, after he had preached according to the:

78.
Mr. Marshall.

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the Dictates of the Grantees of the two Houses and Army for divers weeks, *Marshal* was thought fit to attend the Commissioners into *Scotland*: He and Master *Nye* had been sent to *Carisbroke Castle* formerly with those Commissioners that carried the 4 Bills to the King, and had 500*l.* a piece given them for their journey.

Scotland, a longer journey, promised a larger reward; it is good being a Postilion of the Gospel at such rates.

The Sunday before he went, he preached at *Margarets Westminster*, and as much cried up Presbytery and the Covenant there, as he had before slighted them in the Army. This was a *Preparation Sermon*, to make him acceptable to Scots, that he might cajole them the easier. Before he went he sent his Agents from house to house at *Westminster*, to beg mens good wills towards his journey. He was willing upon this pretence to get what he could from *St. Margarets Parish*, where he found the people to grow cold in their affections, and contributions to him. Wherefore having made his bargain before he went, to leave *S. Margarets*, and officiate in the *Abby* where he is to have 300*l.* per annum certain allowance, he would rob the *Egyptians* at *Saint Margarets* for a parting blow. This Priest married his own Daughter with the Book of Common prayer and a Ring, and gave for reason, that the Statute establishing that Liturgy was not yet repealed, and he was loath to have his Daughter whored and turned back upon him for want of a Legal Marriage: Yet he can declare against all use of it by others. He hath so long cursed *Merox* and neutrality, that he hath brought Gods curse upon the Land, and hath put Church and Commonwealth into a flame, but himself and his Brats have warmed their fingers at it: as Monies are decryd or enhaunsed by the Kings Authority, so is every mans Religion cryed up or down by *Marshals* authority and stamp.

About the 24 of February, the Answer to the Scots Declaration began to be debated in parts: in which Debate the Covenant was much undervalued, and called, *An Almanack out of Date*. *Nathaniel Fiennes* argued against it, That that clause in the Covenant, [To Defend the Kings Person, Crown, and Dignity, &c.] was inconsistent with their four Votes, for making no Addresses to the K I N G: To which was answered by some,

That

76.

The Answer
to the Scots
Declaration.

That then they would relinquish the four Votes and adhere to the Covenant.

About the beginning of *March*, was given to Col. *Sydenham* and Col. *Bingham* 1000l. a piece as part of their Arrears; their Accounts not yet stated. To the Lord of *Broughil* 2000l. To Mr. *Fenwick* 500l. for losses. To Mr. *Millington* 2000l. for losses. To Col. *Ven* 4000l. notwithstanding in was moved he might first account for Contribution money, the plunder of the Country about *Windsor*, and the Kings Household-stuff, Hangings, Linnen, and Bedding. Mr. *Purie* the Petty-bag office, besides 1000l. formerly given him. To *Purie's* Son, the Clerk of the Peaces place, and 100l. a year: all *Independents*.

80.
Money shared
amongst godly
Members.

The 7. of *March*, an Ordinance passed the Commons to settle 2500l. a year land, out of the Marquess of *Worcesters* estate, upon Lieut. Gen. *Oliver Cromwel*. I have heard some Gentlemen, that know the Mannor of *Chepstow*, and the rest of the Lands settled upon him, affirm, that in the particulars the said lands are so favourably rated, that they are worth 5000l. or 6000l. a year: It is farther said those lands are bravely wooded. You see though they have not made King CHARLES a glorious King, as they promised, yet they have settled a Crown Revenue upon *Oliver*, and have made him as great and glorious a K. as ever *John of Leyden* was. Wonder not that they conspire to keep up this Army, as well to make good these Largeesses, as to keep their guilty heads upon their Shoulders.

81.
Cromwel.

Thursday 9. *March*, the Lords sent a Message to the House of Commons, To desire their concurrence to the Ingagement of those Members that fled to the Army, to live and die with the Army. It was debated all day untill 7. of the clock at night; and at last the question put. That this House doth approve the subscription of the said Members to the said Ingagement. The House divided upon the question, yeas 100. noes 91.

82.
A Message from
the Lords desiring
the Commons con-
currence to the
Ingagement of
the Members
with the Army.
The Ingagem-
ent approved by
threats.

Observe, 1. that Mr. Solicitor, *Haslerig*, and many more, when they perceived difficulty in passing it, began to skirmish with their long Sword again. And many told them, they must live content without dores (meaning the Army) as well as within, else all would go naught.

2. 44. Of those Members that ingaged with the Army sate in the

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the House, and Voted in their own case; many of them carrying themselves very high and insolent in their gestures and expressions.

3. Many Presbyterians left the House because it was late; and some (as it is thought) not daring to Vore in the Negative.

4. This Engagement about six months ago had been sent to the Commons by the Lords, once or twice, and was rejected, yet now was obtruded upon them again by the Lords, who would not acquiesce, contrary to the privileges of the House of Commons.

5. This approbation thus surreptitiously gotten, is equal to a Pardon sued forth before Conviction, which in Law amounteth to a Confession of the Crime.

83. The temper of the House tried, had the Engagement not been approved, a new Charge from the Army intended.

6. The *Agitators* tell you in *Derby-house Projects*, pag. 7. *That this Engagement was sent down to the Commons to try the temper of the House, and if the House had not approved of the Engagement, the resolution of their secret Counsel was to fly to their Armes, and make a new Charge against their principal opposers; for they acknowledge amongst themselves, That they Rule by Power only, and that the House of Commons is no longer theirs than they overawe them, and that they fear the Critical day will come which will discover the Parliament to be no longer theirs than while they have a force upon it.*

As men ready to sink embrace every shadow of help, and catch hold of leaves, twigs, and bulrushes, to support them; so these desperate and purblind protectors, having engaged themselves in a way of Tyranny, out of which they can find no issue, lay hold of frivolous inventions to peece up from time to time their ill-laid designs, like the man in the parable, *That patched up his old Garment with new cloath, which breaking out again, left the rent wider than it was before.*

84. A project to unite all Interests.

Their last project was to unite all Interests in the Houses, City, and Army; To which purpose *Cromwel* (the heaviest, basest, and most ridiculous Tyrant that ever any noble Nation groined under) made a Speech in the House of Commons: To which was Answered, *That the Members were chosen and trusted by the people, to pursue one common Interest, which was, the common good, the safety and Liberty of the People, and whosoever had any peculiar Interest*
eccentrick

eccentrick from that, was not fit to sit in that assembly, and deserved to be called to a strict account by those that trusted him.

Observe, that the extent of this project was to conjoyn these three Interests from upholding the greatnesse of the *Grandeess*, in the *Parliament*, *City*, and *Army*; for in all three the vulgar multitude, and the more modest and honest sort, are but in the same condition with other men: the *Parliament* bearing the *Authority*, the *Army* the *Sword*, and the *City* the *purse*.

The *first*, shall be the Task-matters, and impose Tribute.

The *second*, the *Sheriffs*, or rather free-booters, to leavy it by distresse.

And the *third*, the *Brokers*, to receive and buy it off.

But it pleased God to bestow so much providence and integrity upon the *City*, that when upon Saturday 8. *April*, 1646. *Cromwel* and his fellow *Grandeess* offered this temptation (at a *Common-Council*) to them,

The *City* grew wiser than our first *Parents*, and rejected the *Serpent* and his subtilties, insomuch that *Cromwel* nettled with the affront, called his *Solicitor Glover* to account by what *Authority* he had offered the restitution of the *Tower* and *Militia*, and the enlargement of their accused *Aldermen*: who answered, he did it by his *Authority*, and delivered him a *Warrant* to that purpose, signed by Sir *Thomas Fairfax*, *Oliver Cromwel*, Mr. *Solicitor*, and young Sir *Henry Vane*, which *Cromwel* had the impudence to put in his pocket.

Cromwel had felt the pulse of the *City* long before by his Agents *Glover* and *Watkins*, and found them averſe from complying with him: wherefore (being a man of an early, as well as an implacable malice) he (by the advice of the Committee of *Derby-house*) cast about with the Schismatical Lord Mayor *Warner*, (he that raised the ridiculous Tumult at Christmas about *Rosemary* and *Bayes*, a man that had been chosen Mayor by power of *Parliament*, (out of course) to carry on the design of the faction) and with the Lieutenant of the *Tower*, how to put the *City* into some distemper, of which they might take advantage. The *Citizens* were well acquainted with their juggling tricks, they had no hopes to work upon them: wherefore they contrived how to put a provocation upon the silly *Apprentice Boys*, and put them

M

forth

See the Argument against all accommodation between the *City* and *Grandeess*, &c. and the seasonable caution to the *City*, printed at the latter end of this Book.

85.
A device to put the Apprentices into a Tumult.

forth into some rash action, of which they might make use to carry on their designs against the whole City: wherefore upon Easter-day, 1648. in the evening some few apprentices playing in *Finnisbury fields*, some Souldiers were sent to drive them away; which they did, and imprisoned some of them for not readily obeying: upon Sunday following, 9. April, divers Apprentices being at play (according to custome) in *Moor-fields*, the Mayor sent Capt. *Gale* (one of the new Captains of the Hamlets, a Silk-Throster, and a Tub-preacher, and one that ran away at the fight at *Newbury wash*, and hid himself in a Ditch, as my L. *Wharton* at the Battle of *Keynton* hid himself in a Saw-pit) thither to disturb them, with about 50. or 60. of his Trained Band, and no more; (that he might the better encourage the Boys to resist him) who surlily asking them *what they did there?* some of them answered, *they did no harm but only play; and since all Holy dayes have been Voted down, they had no other time of Recreation:* The Captain insolently commanded them to *be gone*; they replied, *he had no authority so to do*, and continued playing: whereupon the Captain commanded his Musquetiers to *shoot amongst them*; which they forbearing, he took a Musquet himself, and discharged amongst them, when presently two or three schismatical Musquetiers of his Company following his example, discharged upon them likewise, and killed (or, as the Schismatics say, wounded only) one of the Boyes: whereat the Boys making a great out-cry, more company gathered to them, and so with stones, brick-bats, and sticks, they dispersed the Trained Band, and at last got their Colours, and instantly in a childish jollity marched (un-armed as they were) towards the *Mewes*, when presently a party of Horse (ready prepared for this forelaid design) met them, charged, and with ease routed them; *Cromwel* himself animating the Troopers to *shoot and spit them, and to spare neither man woman nor child.* All Sunday night the Apprentices kept in a body in the City; locked the City gates, but set no guards upon them; whereby you may see this business proceeded meerly from the rash and unpremeditated folly of Children, nor from the advice of Men: howsoever the Independent faction in the House of Commons have since aggravated it: to countenance their future cruelty and rapines upon the City. Monday morning Sir *Tho. Fairfax* sent a strong

strong party into the City, who fell upon the Boyish rabble, routed and killed many, and shot poor Women great with Child, sitting in their stalls, one whereof the Child lived two hours in her belly after her brains were shot out: a man likewise not knowing of their coming, as he was drinking Milk at the corner of a street, was shot (as it were) in sport: as they rid, they cryed, *Cuckolds keep your Houses*, cutting and wounding all they met; *Cromwel* (who followed in the Reer safe enough; the Van having cleared the streets before him) cryed out to them to *Fire the City*. Oh *Oliver*! what a barbarous *John of Leyden* art thou become? Oh *London*! how wretched a *Munster* wilt thou become? at last they drove those silly unarmed wretches into *Leaden-hall*, and took many of them Prisoners, none of the Trained Bands, nor Citizens, appearing to help those poor Boys, but leaving the Souldiers to get a bloody and boyish Triumph over them, as they pleased; they are now imprisoned in *Cromwels* shambles at *White-hall*. This is the truth of the businesse, notwithstanding, the long-winded lying report made by Alderman *Fouke*, at the Commons Bar: a man that hath feather'd his nest well these miserable times, and hath much publick money sticking to his fingers; who, when he gave in his accompt before the General Committee of Accounts, refused to give it in upon Oath, (as other men did) alleging *Magna Charta*, that no man was bound to accuse himself. It should seem he had something in his Conscience that would not endure the test of an Oath: but he is one of the Godly, and therefore the good things of this world belong unto him.

The House of Commons (upon this occasion) gave 1000*l.* to the Souldiers for their valorous exploit, and Voted 1000 Foot, and 100 Horse to be kept in the *Tower*. The Garrisons of *White-hall* and the *Mewes* to be strengthened: 3 Barges capable of 50 Musquetiers apiece to lie at *Whitehall* for the Souldiers to convey themselves to any landing place to disperse such watermen as shall assemble: The City Chains to be taken away from their Posts, and a Commission of Oyer and *Terminer* to issue forth to murder more of these Children legally.

The Mayor having kindled this fire in the City, stole out at a window disguised, and hid his foolish head in the *Tower*.

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The House of Commons (over-ruled by the Grantees) Voted a day of thanksgiving for this delivery. So bold are these Saints, as to mock Gods holy name with impious devotions to colour their designs.

86.
The Lord In-
chiquin.

The Lord *Inchiquin*, president of *Munster* and General of the Army there, had a long time been heaved at by the Independent faction. The Lord *Lisle*, (who gaped after his employment) Sir *John Temple*, *Cromwell*, the Lord *Broughill*, Sir *Arthur* and Sir *Adam Loftus*, and others : who by obstructing all supplies of Money, Ammunition, Victual, Cloathes, laboured to mutiny and disband his Army, that they might send Schismatics of their own party to Lord it there, as they do here, and keep *Ireland* as a Retreat for the Saints : for the better effecting whereof they sent over many Emislaries, whom they had commended to him, to be officers in his Army. When this would not do, they Printed scandalous Articles against him, and put infinite provocations upon him to incite him to do that which they falsely accused him to have done already ; But the many gallant-services he performed since the publishing those Articles gave them the lie, and confuted all their slanders : at last (under colour of sending a supply of forces to him) they projected to surprise him, and bring him away prisoner ; so that he hath suffered all the convulsions that trecherous friends, and malicious enemies could put upon him. And lately (for the more close conveyance of the design) the Houses sent three Commissioners towards *Ireland*, to survey his Actions ; but (as if it were purposely done) when the Commissioners came as far on their way as *Bristol*, about a dozen renegado Officers of his Army met the Commissioners and turned them back again. The said Officers posted up to the Parliament before the Commissioners, and the 13 *April* were called in to the Commons Bar, where they made a relation to the House to this purpose ; That the Lord *Inchiquin* having made an expedition into the County of *Kerry*, upon his return, sent for these Officers into his presence Chamber, and told them, *He intended to declare against the Army and Independent party in England, who kept the King and Parliament under a force, that he would stand for the Liberty of the King and Parliament, and a free Conference to settle Peace ; and that he expected all his Officers should*

should joyn with him in so honourable an undertaking; but should take an Oath of secrecy, before he discover'd himself farther to them. They Answered, They could make no such Oath before they knew whether they might with a safe conscience keep it, saying, they would be true to the Parliament. My Lord Inchiquin replied, So have I, and will be; delude me not with ambiguous words, do you mean this pretended Parliament? telling them farther, he had good correspondence with all the Presbyterians in Scotland and England, as well in the Parliament, as out of it; that he doubted not to go through with his undertaking; and if the worst hapned, to make good conditions for himself and his party. That he would make peace with my Lord Taff, (and that he knew the Independents in England were upon Treaty with Owen Roe Oneal) who was a man of their humour, and loved to keep all in combustion. They refused to joyn, he dismissed them for England. The same day Letters from Capt. John Grouthen (Vice-Admiral of the Irish Seas) from a shipboard, were read in the House, much to the same purpose, though not so large: wherein he said, He had already block'd up all my Lord Inchiquin's Havens.

Presently Allen the Goldsmith moved, That since the Lord Inchiquin had discovered that he had a correspondence with the Presbyterians in the House, before they dealt with their Enemies without doors, they should try who were their Enemies within doores, by putting all men to some Covenant, Engagement, or Protestation, &c. And Lieutenant General Cromwell said, That being to debate this business to morrow, whosoever with crosse Arguments shall spin out the debate, and so retard our proceedings, (by my consent) shall be noted with a Black Coal: to which was answered, That this tended to take away freedom of debate, which was the life of Parliaments, and of all Councils; and was destructive to the very being of Parliaments.

87.
Allen the Goldsmith moveth to put the House to the touch by some Covenant, Declaration, &c.

It is not amiss to insert here by way of digression, what I formerly omitted: Sir Henry Mildmay long since moved, That 150 rich Guard Coats of the King, might be sold for 800 l. to fund Fire and Candle for the Souldiers in White-hall. The question put: The Speaker gave judgement, the Yeas had it. Mr. Edward Stephens declared the Noes had it. They were unwilling to divide upon such a question: but Mr. Stephens persisted; and Robert Reynolds, said

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said aloud, *notice shall be taken of him for putting such a dishonour upon the House.* Upon the Division, the Noes carried it by nine voices. Thereupon, complaint was made, against *Reynolds* for attempting against the liberty of Voting, but no redress.

But to return from my digression: the next day (14 of April) it was moved that my Lord *Inchiquin's* Son, a Child of 8 or 9 years old, going to School at *Thistleworth*, might be secured in the Tower and kept for a Hostage. To which was Answered, *That no man could take an Hostage without consent: an Hostage must be given upon the publick faith, upon some stipulation, and must be so received, by mutual agreement; you cannot punish the child for the Fathers fault;* yet he was voted to the Tower, and sent. My Lord *Inchiquin's* Commission as President of *Munster*, and General of the Army, Voted void, and no man to obey him, himself Voted a Traitor; yet no man examined upon Oath against him, nor any man sent to take information of the businesse into *Ireland*, and his professed enemy the Lord *Lisle*, is to go General into *Munster* in his room; and the said fugitive Officers all rewarded, as if they had brought acceptable news.

This day *Reynolds* revived *Allens* motion for putting the Members to the Test, by some Covenant, Protestation, or Declaration, subscribed, *That this is a free Parliament, and that they would live and die with this Parliament and Army:* To which was answered,

1. That by Ordinance of both Houses, all men were enjoined to take the National Covenant. This Covenant is the true Touchstone of the Parliament, and so agreed upon by the wisdom of both Nations; yet many sit here who refuse to obey this Ordinance: I know no reason therefore why any man should obey you in any other Ordinance of this Nature: let us keep the old Covenant before we take any new.

2. It hath been moved in the House, that the Oathes of Justices of the Peace, and Sheriffs, might be taken away: I hope you will not abolish legal Oathes, and impose illegal Oathes. This House hath not so much Authority, as to administer an Oath, much more to impose one: you must allow to others that liberty of Conscience which you demand for your selves.

3. Major *Gray* told you my Lord *Inchiquin* said he had correspondency with all the Presbyterians in the House, who had made

made their peace with the King. But my Lord *Inchiquin* told him farther, the Independents were upon Treaty with *Owen Roe*, and *Oneal*, let them clear themselves of that imputation first before they give a purgation unto others, otherwise what you do will favour of force.

4. The true Touch-stone to try every mans integrity is to examine, who have enriched themselves by the calamities of the times and your service, and who are impoverished.

5. This is a new device to purge the House.

The *Grandees* of the House have cantonized the Kingdom between them, every man in his Division protecting the Country Committees, and receiving tribute from them in recompence of their protection; and *Prideaux* the Post master being King of the *West Saxons*, his Vice-roy or Lord Deputy for the County of *Somerset* is that running Col. *John Pyne*, who being often inspired with Sack, rules the Committee and County by inspirations. *Pyne* and his Peers of the Committee, to please his superiours, set on foot a draught of a *Petition* to be handed by the Country, *Giving thanks to the Parliament for the four Votes against the King, and promising to live and die with the Parliament and Army, and desiring the County might be freed from Malignants, Neuters, and Apostates*; which (in their interpretation) signifies *Presbyterians* and *moderate men*, who will not dance about the flame when the Independents make a Bonfire of the Common-wealth. The Eastern Division of *Somerset-shire* rejected the *Petition*; in the Western Division *Pyne* and his Committee sending abroad his Sequestrators with the *Petition*, (threatned to take them for Malignants, and Sequester them that refused) got many Subscriptions; but the Subscribers since (better informed of the danger and mischief of those Votes) retracted what they had done by a counter *Petition*, wherein they declare, that *their Subscription to the former Petition was contrary to their Judgement and Consciences, and extorted by the terror of Sequestrators, and threats of being Sequestred*. This affront stung the Committee, and opened the eyes of the Country: As the like foolish attempt of Sir *Henry Mildmay* did the eyes of the County of *Essex*. Wherefore to find a Plaster for this broken pate, Sergeant *Wild* (he that hang'd Capt. *Burly*) coming that Circuit, care was taken to have a select Grand-
Jury

88.

The Counties compelled to give thanks to the Houses for their Votes against the King.

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Jury of Schismatics and Sequestrators blended together, who made a presentment subscribed by 19. of their hands, which Sergeant *Wild* preserved in his pocket; and upon Tuesday 18. *April*, delivered with as much gravity as a set speech and a set ruffe could furnish him withall in the House of Commons, and was read and hearkned unto by the thriving Godly, with as much attention, as pricking up of eares, and turning up of eyes could demonstrate: the Contents of this presentment were the same with the afore-said revoked Petition. Great care was taken to give thanks to the High Sheriff and Grand Jury, who had so freely delivered the sence of that wel-affected County: and as much care taken to improve this Talent and put it to interest throughout the Kingdom. Collonel *Puresfoy* is now at this work in *Warwick-shire*. Sir *Arthur Haslerig* about *Newcastle*, others in other places. Pitifull Crutches to support a cripled reputation, which now halts, and begs for relief worse than their own maimed Souldiers do, and with as bad success, they have juggled themselves out of credit, and would fain juggle themselves in again. Behold the wisdom of our *Grandeers*, wise, religious, new-modelled Politicians, who have brought themselves and the whole Kingdom into these deplorable, contemptible straits; take notice of your Representative, you that are represented, call them to a seasonable account: But whither doth my zeal carry me? I shall anon stumble upon a new fangled Treason to be declared against me, without, nay against Law.

89.
Mens tongues
tied up by an
Ordinance.

Friday 21. *April*, An Ordinance was presented to the House, intituled, *For suppressing all Tumults and insurrections* (the Committee of Safety at *Derby House* had before an ample power conferred upon them for that purpose; but guilty consciences, though they be safe, are never secure; like *Cain*, they think that every man will slay them) it was passed after some amendments to this purpose, *That any three Committee-men shall have Power to Imprison and Sequester all such as shall actually adhere to any that shall raise or endeavour to raise Tumults and Insurrections; or shall speak or publish any thing reproachfull to the Parliament, or their proceedings.* Behold here an excise (amounting to the Value of all you have) set upon every light word; a man made an offender for a word, to the utter ruine of him and his posterity, under colour

colour of defending *Laws, Liberties, and Properties*, you are cheated of them all, and reduced to meer and absolute slavery and beggary: you are not Masters of your own carcasses, yet your mouths are but toned up; you must not be allowed that silly comfort of venting your griefs by way of complaint; what Tyrant was ever so barbarous, so indiscreet as to do the like? It was moved that Offenders of this kind might be bound to the good behaviour, and the offences proved openly at the Assizes or Sessions, before so destructive a punishment be inflicted. There are three principles in Law, of which the Laws are very tender, and will not suffer them to be touched but upon great Offences, cleer proofs, and exact formalities observed, *life, liberty, and estate*: by *Magna Charta*, the *Petition of Right*, and many other Statutes, these principles are so sacred, that nothing but the Law can meddle with them, *Nemo imprisonetur aut disseisetur nisi per legale iudicium parium suorum*. You have made the people shed their money and blood abundantly, pretending defence of *Religion, Laws, and Liberties*; let them now at last (being a time of peace) enjoy what they have so dearly paid for; and delay them not with a pretended necessity of your own making; you now make all that is, or can be meer and deer to them, liable to the passions of three Committee-men, to judge and execute according to their discretion, without Law, or so much as a formality thereof: And yet both Houses of Parliament have often heretofore offered to abolish those Committees, as men whose wickedness and folly they and the whole Kingdom were ashamed of. The Grandees of the Parliament and Army, when the Houses are called, and full, have resolved to draw their forces neer about the Town, and by that terrour to trie the temper of the Houses; such Members as will not comply with them, they will with fresh Charges purge out of the House, and publish base and infamous scandals against them, to which if they submit with silence, they betray their reputations for ever, and spare the credits of their juggling enemies. If they make any defence for their honours by way of Apology, they shall be brought within the compasse of this devouring, enslaving Ordinance, as *men that reproach the Parliament, and their Proceedings*. Thus the same whip shall hang over the shoulders of the Presbyterian party, (who will not agree to *King-deposing*

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Anarchy and Shism) as it did formerly over the Kings party. And the Presbyterians shall be squeezed into the Independents coffers, as formerly the Kings party were, so long as they had anything to lose; for the whole earth is little enough for these Saints, who are never satisfied with money and blood, although they never look towards Heaven but through the spectacles of this world. The old *elogium* and Character of this English Nation was, that they were *Hilaris gens, cui libera mens & libera lingua*: But now (Country-men) your tongues are in the Stocks, your bodies in every gaole, your souls in the dark, and estates in the mercy of those that have no mercy, and at the discretions of those that have no discretion: Farewell *English liberty*.

90:
The Kentish
Committee-
War.

In the Epistle to this book, I have given you an account of the bloody Answer given to the *Surrey* Petitioners, *May 16. 1648*. I must in the next place speak something of the *Kentish Petition*, and of the *Committee-war* they rayed to oppose it; which took his rising and beginning partly from the infolencies and oppressions of their tyrannical *Committee-men*, (persons for the most part of weak fortunes, and weaker wits) and partly from the frantick zeal of the Mayor of *Canterbury* (who for his Religion, prudence and honesty, may well be younger brother to *Warner* Lord Mayor of *London*) upon *Christmas day 1648*. sundry people going to the Church of *Canterbury* to solemnize that day, were uncivilly interrogated, and roughly handled by the Mayor, as if it were superstition, nay impiety to serve God on that day; or as if some dayes were exempted from serving God, as some days are exempted from worldly labour: This grew to a Tumult, which the Committee of the County hearing, they presently gathered forces to make ostentation of their power in suppressing it, but were prevented by intelligence that all was quiet; but this quietnesse was rather a truce, than a lasting peace, a desire of revenge against the Mayor for wounding some of the People, like fire hid under ashes, broke forth two dayes after, but was presently pacified by the discreet indeavours of Sir *W. Man*, Ald. *Sabin*, and Mr. *Lovelace* a Lawyer. The Committee of that County presently assemble forces, with which (together with their Chaplains & other instruments of war) they march to reduce the City, and (though they had newes that *all was appeased*) yet would they not believe it, but continued

nued their march in triumph; where finding the Gates open, they took them off and burnt them, threw down part of their Walls, thereby degrading the City, and turning it into a Village, as a trophy of their high indignation; committed many to Prison upon light suspicions, amongst whom, the aforesaid 3 Peacemakers, for being so saucy as to compose the difference, and thereby deprive their *highnesses* of a Triumphant Victory. For these upstart Committees mounted above the sphere of their activity, and having stolen his Majesties Sword (His principal marke of Sovereignty wherewith he protects his people) out of his Scabbard, know not how to use it, but to the destruction of the people: like ill-natured Children, they have gotten a gay thing, and must do mischief with it. And for farther magnifying of their power to the Country, and their diligence to the Parliament, they charged the prisoners with High Treason, and so forgot them languishing in Gaol, had not those Gentlemen remembered themselves and clamoured for a Trial; which at last was granted them by a Commission of *Oyer and Terminer* to Sergeant *Wyld*, and Sergeant *Creswell*: the Juries were men known to be well-affected to the Parliament, who found *Ignoramus* upon the Bill, and (notwithstanding many checks and taunts from the Committee, and the refusing of the return) adhered, so that the Court adjourned for some months: Hereupon the Kentish men fearing the tyrannical disposition of their Committees, consulted with the said Grand Jury upon the place concerning a Petition to the Parliament for Peace, to end our distractions; which Petition was subscribed by the Grand Jury, in the name of the whole County. The Committee jealous that these things would hearten the People, and loosen the bonds of that slavish fear, wherein they had hitherto held them captive, printed, and caused to be published in all Churches a Paper prohibiting the same Petition, and branding it with the name of *seditions and tumultuous*, saying, *they would hang two in every Parish that were promoters of it, and sequester the rest*. And endeavoured first to raise forces in the County; but at last made their complaint to the Army. When the Country saw their just desires like to be suppressed by Arms, and themselves to be still Committee-ridden, they resolved upon a place of meeting to promote their Petition, and

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to come Armed thither for their own defence onely. But the County Committee plied their businesse so well with the Committee of *Derby House* and the Army, that they first drew a party of Horse into the County, who committed many murders according to Custome, and then the whole Army which at *Blackheath* encamped on the same place where the Petitioners intended to *Rendezvous*. So the result of all is but this : The whole County of *Kent* oppressed by a tyrannous Committee, and a lingring war, now likely to be renewed, prepare to present a Petition to the Parliament for *Peace*, and had appointed a day and place of meeting, which by reason of the large extent of the County they could not alter at the pleasure of the Committee : and being terrified by the menaces and warlike preparations of the said Committee, brought their Arms with them in order onely to self-defence, (allowed by the Laws of God and Man, and by the doctrine and practice of this Parliament and Army ; and peradventure induced thereto by the sad Massacre of the *Surry* Petitioners) The Committee to support their usurped, illegal authority, invite an Army to break in upon them with *fire and sword*, and so enforced them upon thoughts and actions of War, never before thought on : as will appear,

1. Because many of the Petitioners went home the next day after the *Rendezvous*.

2. The County had provided no General, nor no old Commanders.

3. They never thought of forming an Army until Sir *Tho. Fairfax* was storming one of their Towns.

4. The *Kentish-men* were compelled to take in *Sandwich*, and the *Castles*, lest they should fall upon the backs of them when the Army marched against them ; yet did they hurt no man in person or goods : which argued a peaceable disposition, aiming only at defence. Thus you see a whole County always well affected to the Parliament, complaining of a few Independent seſtary Committee-men, Sequestrators, &c. for infinite oppressions and cheats dayly committed : they being weighed in the scales together, the whole County are thought too light for want of an impartial holding the ballance even : one prudential consideration, that they must not discourtenance their friends

(as

(as they call the Committee) and something else more substantial, being put upon the Committees scale, hoyseth the whole Country into the ayr. And when the Parliaments Army was at *Blackheath*, the County sending some of their Gentry with Petitionary Letters to the House of Commons, declaring the peaceableness of their inclinations, their continued obedience to the Houses, and a desire their grievances against their Committee might be put into a way of examination and redresse, they could obtain no other Answer (the schismatical engaged party over powering the House with the near approach of their own Army, for it is no bodies else) than, *that they would send them an answer by their General*; which was as much as if they had said, *They would send an answer by the Executioner*: the terrour of this answer made the Country desperately engage in an un-premeditated War, for which they were wholly unprovided, as the irresolute and distracted managing of it makes manifest. But this advantage was greedily laid hold of by the Saints, to ravish a victory from the Country, which they were resolved to use with so much secrecy and solemn cruelty, that the example thereof should strike an awfulness into the hearts of all that should hear of it, and beget a slavish fear in the whole Kingdom to submit to the laying aside of the KING, and his Negative Voice, and the establishing of a tyrannical Oligarchy, in the Grandees of the two Houses and Army: for finding the whole Kingdom to hate them with a perfect hatred, they have no hope to govern by Love, but by Fear; which (according to the Turkish rule) is more predominant and constant passion. And certainly had not *Goring's* passing over at *Greenwich* into *Essex* compelled *Fairfax* to follow immediately after with his Army, they had been used with much extremity: inso much that *Weaver*, (a Member, fuller of zeal than wisdom, though wise enough for his own profit, as most Saints and knaves are) moved in the House, *That all Kent might be sequestred, because they had rebelled, and all Essex, because they would rebell*. And truly this is as good a way as *Cromwel's* selling his Welch Prisoners for 12d. a head to be transported into barbarous Plantations, whereby to expell the *Canaanites*, and make new plantations in old *England* for the Godly, the seed of the Faithfull: for this faction (like the Divell) cry, *all is mine*.

27. May

91.
Banbury-Castle
obtruded upon
the State.

27. May A friend of my Lord Say's moved in the House of Commons, That Banbury-Castle might be demolished to prevent any surprise thereof by Malignants, saying, it had already cost the State 200000*l.* to reduce it, and had undone the Country, which was unable to pay for it: it belonged to a Noble, Godly person, the L. Say, and it was not fit to demolish it without his consent and recompence; it was therefore desired the State should bear the charge, his Lordship being willing to sell it for 2000*l.* To which was answered, That other well-affected Gentlemen had their Houses destroyed for service of the State, without recompence, not so well provided to bear the loss as my Lord Say; as Mr. Charles Doyly, two handsome habitable Houses, Mr. Vachell, some Houses in Reading, and others well deserving of the State, though not of themselves. This Castle was uninhabitable, a rude heap of stones, a publick nuisance to the Country. It cost his Lordship but 500*l.* and now to obtrude it upon the State at 2000*l.* price, in so great a scarcity and want of mony, the Kingdom groaning under Taxes, was not reasonable. So Divine providence not saying *Amen* to it, this Cheat failed like the untimely birth of a Woman.

92:
The Impeach-
ed Lords,
Members and
Aldermen.

About the beginning of June, a debate hapned in the House of Commons about the four imprisoned Aldermen, occasioned by a Petition from the City, and concerning the impeached Lords and Commons. Mr. *Gewen* spake modestly in their behalf, saying, That what they did was done by virtue of an Ordinance of Parliament made this very Session of Parliament, and without any intent to raise a new war, but only to defend the City against the menaces of the Army marching up against them and the Parliament. But Mr. *Gowrdon* (a man hot enough for his zeal to set a Kingdom on fire) Answered, He thought they intended a new War, and were encouraged thereto by the Gentleman that spake last; when he said to them at their Common Council, Up and be doing: Mr. *Walker* (perceiving Mr. *Gewen* to be causlessly reflected upon) replied, that since this debate upon the City Petition tended towards a closing up of all differences, it was unfit, men that spake their consciences freely and modestly should be upbraided with Repetitions tending to dis-union, and desired men might not be permitted to vent their malice under colour of shewing their zeal: when presently *Tho. Scot*, the Brewers Clerk (he that hath a Tally of every mans faults but his

own hanging at his Girdle by virtue of his Office, being Deputy-Inquisitor, or Hangman to *Miles Corber* in the clandestine Committee of examinations) replied upon Mr. *Walker*, *That the Gent. that spake last was not so well-affected, but that the close Committee of examinations would find cause to take an order with him shortly*: Mr. *Walker* offered to answer him, and demanded the Justice of the House, but could not be heard: those that spake in behalf of the Aldermen, were often affronted, and threatened with the displeasure of the Army, which they alleged, *would be apt to fall into distempers if we discharged them*. Notwithstanding these menaces, it was Voted, that *the House would not prosecute their Impeachments against the said four Aldermen, Sir John Maynard, and the seven Lords; and that they would proceed no farther upon their Order for impeaching Mr. Hollis, Sir William Waller, &c.* Two or three dayes after, a motion was set on foot, *That the Order whereby the said Members were disabled from being of the House might be revoked*; many zealots argued fiercely, and threatened against it; amongst many arguments for them, a President was insisted upon, *That Master Henry Martin was by Order disabled from being a Member, yet was afterwards readmitted upon his old Election*: and desired these Gentlemen might find equall justice. The House having freed them à *Culpa*, could not in equity but free them à *pœna*, and put them in the remainder of all that belonged to them. But Sir *Peter Wentworth* answered, *That Mr. Martins case and theirs differed: Mr. Martin was expelled for words spoken against the King, such as every mans Conscience told him were true; but because he spoke those words unseasonably, when the King was in good strength, and the words (whether true or false) were in strictnesse of Law, Treason: the House (especially the lukewarm men) considering the doubtfull events of War, disabled and committed him, lest the whole House might be drawn in compass of High Treason for conniving at them*: which was a prudential Act contrary to justice, and contrary to the sense of the Godly and honest party of the House. But afterwards (the King growing weaker, and the Parliament stronger) the House restored Master *Martin*, and thought fit to set every mans tongue at liberty to speak truth even against the King himself; and now every day words of a higher nature are spoken against him, by the well-affected.

affected Godly in the House. After many threats used by *Wentworth, Ven, Harvey, Scot, Gourdon, Weaver, &c.* The said disabling Order was repealed.

93.
Members added to the Committee of Safety at Day by house.

About the same time the Lords sent a Message to the Commons, that *they had named six Lords to be added to the Committee of safety, and desired the House to adde twelve Commons to them.* (This had five or six times been brought down from the Lords before, and received so many denials, but the Lords would not acquiesce) the Message came down about one of the Clock, the House being thin, many argued against it, saying, that there were seven Lords and fourteen Commons of that Committee already, enough (if not too many) to dispatch business with secrecy and expedition; that to adde six Lords more to them was (in effect) to make the whole House of Peers of that Committee; so the whole House of Peers, and twenty six of the ablest and best spoken Commons being engaged in that Committee, that Committee would sway the Houses which way they pleased; draw, by degrees, all power and authority from the Parliament to themselves; cause the House to adjourn at pleasure, or leave them so enervated, and enervated, that they should no longer keep the dignity nor Authority of a Parliament; contrary to the trust reposed in them by those that chose them, and contrary to the tenor of the Writ of Election. It were more for the service of the Commonwealth to examine what the powers of that Committee are, and to set a short time to its continuance, and not leave it indefinite as now it is. After more than an hours debate, the Speaker (instead of putting the question, whether an addition or no?) called to have the names read, first of the Lords, who were Voted, one, by one; and then the Commons were named, who are almost all Independents; *Weaver* excepted against the naming of Major Gen. *Brown* to be of that Committee, for being disaffected to the Army; to which Major Gen. *Brown* gave a discreet and honest Answer; in reply to which, *Weaver* concluded, That the Parliament in the posture it was in, was not likely to save the Kingdom, but the Committee of Safety and the Army must save it: whereupon satisfaction was demanded against *Weaver* for dishonouring the Parliament, and alleged that the Honour of the Parliament was more considerable than the Honour

nour of the Army, and ought to be vindicated before the Honour of the Army, whatsoever their Agents and Servants in the House (who gained by them) thought to the contrary, unlesse they would acknowledg the Parliament to be subordinate to the Army. It was farther said, that if the Parliament should relinquish the work of settling Peace, Religion, Laws, and Liberties in the Kingdome to the Committee of Safety, (as the Gentleman that spake last seems to intimate, that in order thereto, the said Committee is enlarged) the Parliament should forsake their trust, and be no longer a Parliament, and all they had done, and should doe in that way, (even the erecting, empowering, and enlarging of that Committee) is void in law. Note, that several Orders have been made, appointing set days to examine the powers of this Committee, and limit a time for its determination; but always upon the appointed days, either some Letters of news, or some new invented Plots have been cast like stumbling blocks in the way to put it off.

The like for settling the general Militia of the Counties; all which are now left *sine die*.

Thursday, 15. June, Mr. Solicitor reported to the House, That Sir William Mafham and the rest of the Committee, were carried up and down in the head of Goring's Army, hardly used, and threatened to be in the front of the battel when they came to fight: and moved that 20. of the Kings party should be seized, and sent to the General to be used in the like manner. But Gourdon moved, That the Lady Capell and her Children, and the Lady Norwich might be sent to the General with the same directions, saying, *their Husbands would be carefull of their safety*: and when divers opposed so barbarous a motion, and alleged, *the Lady Capell was great with child near her time*, Gourdon pressed it the more eagerly, (as if he had taken the General for a Midwife) he was seconded by Ven. Sir Hen. Mildmay, Tho. Scor, Blackstone, Hill of Haberdashers-hall, Purefoy, Miles Corbet, &c. Note that Rushworth (Secretary to the General) reported at the Commons Bar, *The Committee were well used and wanted nothing*. And though they have had many Fights and Sallies, they did never put any of the Committee in the Front; so that it should seem this is only a fabulous pretence to carry 20. of the Kings

94.
20. Royalists
sent to the
General in
lieu of 10.
Committee-
men in Colche-
ster.

The History of Independency.

party in *Front* before them to facilitate and secure their Approaches against the Enemies shot, which is the more credible, because the sense of the House was, *not to exchange these for the Committee*. This is to cheat the Enemy of a Town, not to conquer it. Behold the Saints way of getting Victories, and *Cromwell* practiseth the same in *Wales*, as I hear.

And that it may farther appear, this Saint-like Army neither Conquers by Miracle, nor the Sword, but by the battery of Angels. I can assure you, that lately one of the setting-bitches of these States (as they now call themselves in their foreign negotiations) the *hogen mogens* of *Derby-house*, the Lady *Norton* (Wife to bul-headed Sir *Grig.*) offered a large sum of money to a Gentlewoman to procure her Husband to yield up a Hold he keeps for the KING, using this argument to perswade it, *That most of the good Towns they seemed to conquer, were purchased of men that had wit enough to respect themselves*, (for you must know that this virtuous Lady trucks as well for strong Townes and Forts, as for Plackets and other weaker pieces) but the motion was contemned; And the General having gotten together the Trained men of *Suffolk* and *Essex* to assist him, putteth them in the Forlorne Hope in all his stormings of the Town of *Colchester*, and drives them on with his Horse, using them as the Turk useth his *Asapi* to dead the first fury and edge of the Enemy, that his Janissaries may at last come on with the more safety, and carry the business.

95.
The National
Covenant.

Saturday, 17. *June*. It was moved that no Commissions might be granted to any Commanders or Officers, until they had taken the National Covenant: against which, it was argued, That the Covenant was become the pretence of all Rebellions and Insurrections; that most of them that had Rebelled in *Wales*, *Kent*, *Essex*, had taken it; but those that refused it were true friends to the Parliament, and had done them gallant service. That the Covenant had so many various interpretations put upon it, that no man knew what to make of it, or how with a safe Conscience to take it: thus argued the Independent, as if the Covenant were *malum in se*. To which was answered, that by this last reason, they might lay aside the Scriptures, which were frequently and variously mis-interpreted by Hereticks and Shismatics. If the
Covenant

Covenant in its own nature were the cause of Insurrections, it was unwisely done of the Parliament to impose it upon men; and to tie them by Vow to defend it, and one another in defence of it, with their lives and fortunes, whatsoever number of Armed men should gather together in defence of the Kings Person, Crown and Dignity, or of Religion, Laws, Liberties, or of Privileges of Parliament, according to the said Covenant they have the authority of Parliament, nay of Heaven (where their Vow is recorded) for what they do, and cannot be said to Rebel, or War against the Parliament, but against a Faction, who having deserted or never taken the Covenant, to carry on new designs for their own advantage: do now mis-apply the title of *Malignant* and *Rebell*, to those which fight for the Covenant, because they will not change their principles with them for Company. And upon this ground onely were the four Aldermen, seven Lords, Sir *John Maynard*, &c. impeached and imprisoned onely for such actions as the Covenant (which they took by authority of Parliament) bound them in conscience unto; and for which they had a special Ordinance of Parliament, made this very Sessions, and not to raise a new War as was scandalously and violently enforced upon them: Had it come to a new War, it must have been laid at their doores that subvert the Principles in the Covenant. Many have taken the Covenant in obedience to you, and are bound up by it; and now to leave other men at large not to take it, and accuse them of *Treason* for endeavouring to keep it, is very unjust. You have lately promised the Scots, *you will adhere to the Covenant*: How can they believe this, unlessse you injoyn all to take it? And so long as you put all the Arms, Garrisons, and ships of the Kingdom, and all places of power, profit and preferment, into the hands of Schismaticks and Antimonarchists, whose principles and actings run counter to the Covenant, and such as talk much of your service, but have done onely their own, in order to which, they refused to obey you and Disband, ravished the King from you at *Holdenby*, kept you in wardship ever-since, and dishonoured and brought you low by unreasonable, scandalous, threatning Engagements, Declarations Remonstrances, and other Papers? But those that would have had the Covenant current, could not get the question put.

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96.

Osburn's information concerning a design to murder the King. See [The Independents loyalty] a Book so called.

Upon Saturday, 17 June 1648, about one of the clock afternoon (most of the House being gone to dinner, and very few Presbyterians left) the Speaker of the House of Commons stood up and told the House, that he had received Letters from *Richard Osburn* (he that projected to deliver the King out of the custody of Colonel *Hammond* at *Carisbrook-Castle*) that he conceived the Letters tended only to the setting of us altogether by the Ears; and propounded, whether they should be read or no? some were against the reading of them, but the Major part called to have them read; which was done accordingly. The Letter to the said Speaker had a copy of another Letter enclosed in it, to the Lord *Wharton*, which bore date 1 June, 1648. to this purpose, *Giving his Lordship to understand, That upon private conference with Captain ROLF (a man very intimate with Colonel Hammond, and high in the esteem of the Army) the said Captain Rolf told him (the said Osburn) that to his knowledge Hammond had received several Letters from the Army, advising him to remove the KING out of the way by Poison, or any other means, for it would much conduce to their affairs. But (said Rolf) Hammond had a good allowance for keeping the KING, and is therefore unwilling to lose so beneficial an employment. But (saith Rolf) if you will joyn with me, we will endeavour to convey away the KING to some secret place, and we may then do what we will with Him. Osburn offers in his said Letter, That if he may come and go with safety, he would come and justify the same upon Oath. He likewise writ to the Speaker of the Lords House about it. Then was read Osburn's Letter to Mr. Lenthall Speaker, dated 10. June 1648. containing the same Narration, with an offer to appear, and make it good upon Oath if he might come and go with safety and freedom. The Clerk had no sooner done reading this Letter, but with a slight neglect, and the laughter of some Members, the businesse was passed over without debate, and Mr. Scawen stood up to propound a new businesse from the Army; when presently Mr. Walker interrupting Scawen, desired to speak a little to the late businesse; and asked Mr. Speaker, from whence the Letter came, and who brought it? the Speaker called upon the Sergeant of the Mace, who Answered, The Letter was given him at the door by a man that he knew not; that he had many Letters and*
Papers

Papers thrust upon him of which he could give no account, but he would endeavour to find the Messenger. Then Mr. Walker urged that such an information coming to the House ought not to be neglected whether true or false, but to be examined and sifted to the bottom. If the KING should die a naturall death, or any mischance befall him, (the People calling to mind how little care we had taken of his safety) would never be satisfied with our protestation; and moved, that a Committee might be named to examine Osburn, Rolf, Hammond, and such others whose names should occur in the Examination. This was seconded by Sir Simond Dewes, Mr. Henry Hungerford, Mr. Edward Stevens, and some others, who pressed it farther, but received a slight Answer. That those that desired to examine the businesse knew not where to find Osburn. That Osburn was a Malignant, and had attempted to set the KING at liberty. To which Mr. Walker replied, That the other day we had named a Committee to examine the businesse concerning the Foot-boy that strook Sir Henry Mildmay, and yet we neither knew then where to find the Foot-boy, or what his name was. If we do but publish that Osburn shall with freedom and safety come and go, in case he appear to make good his Charge, either he will appear, or we shall declare him an Impostor, and punish him when we take him, and clear the reputation of those upon whom this Letter seems to rest. Consider how vast a difference there is between beating a Subject, and Killing a King. And if Osburn (whom I know not) be a Malignant, yet unlesse you can prove him a Nullifidian, or a person convict of Perjury, both according to the Rules of Christian Charity, and in the charitable intendment of our Laws, his Oath is valid and good. Then Tho. Scot stood up and said, That this pressing for a Committee to examine this businesse, was but a device to draw Colonel Hammond, and Rolf, up to Town to be examined, that the KING might the easier make an escape. And Sir John Evelin of Wilts, alleged that he conceived this was an invention of Osburns to bring the King to Town with Honour, Freedom, and Safety. Then Walker stood up again, but was interrupted by Master Hill, and not suffered to speak, having already spoken twice. At the end of almost every motion made for a Committee to examine the businesse, either Mr. Scawen, or Major General Skippon stood up and offered to divert the businesse by new matter concerning

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cerning the Army, which usually beareth all other businesses down before it. At last those few that moved for an Examination of this Information, having spoken as often as the Orders of the House do permit, were forced to be silent; so the business was buried in silence. I hear that some of the Lords called upon this business the Monday following, being the 19 of June, and that the Lord *Wharton* being asked, *why he did not impart Osburn's said Letters to the House?* Answered, *That as soon as he opened the said Letter he received from Osburn, and saw his name at the bottom, he looked upon the business as not considerable: yet he sent the Letter to Hammond.* Upon Tuesday, 20 June, The Lords sent a Message to the Commons; the first paper whereof concerned *Osburn's* said Letters: they desired *that forty days might be assigned for Osburn to come and goe with safety to make good his information.* But Sir *William Armine* stood up, and desired, *That the minutes of two Letters prepared to be sent into into Holland and Zealand concerning our Revolted Ships might be first dispatched, as being of present use.* And when the business was ended, Mr. *Pierpointe* propounded another part of the said Message. So *Osburn's* Information was left *sine die*, for that time, but since, the Lords have quickned it, and 40 days are given to *Osburn* to come and go with Freedom and Safety to make good his information; who is come, and avoucheth it; and one *Dowcett*, speaketh much in affirmation of a design of *Rolfes* to pistol the King. *Rolf* presents himself at the Commons Bar with a Letter from *Hammond*, which denies the Design, and pleads *Rolfes* cause for him. *Rolf* denied it at the Commons Bar with a trembling voice, yet afterwards hid out of the way; but being discovered upon search, he was found to have a Byle upon him, that disabled him from riding, otherwise (it is thought) he would have fled far enough. I do not hear that *Hammond* is yet sent for, or questioned. And for *Osburn's* indeavour to convey his Majestie from *Carisbrook-Castle*, it is alledged, he did it with a charitable intent to preserve his life, and not of any disaffection to the Parliament, to which he hath been affectionately serviceable. Though many take offence at Master *Walker*, as if his stirring of his business were onely to cast an aspersiion upon the Army: yet (I conceive) that what he did was commendable, in discharge of the duty he

owes

owes to God, his King, and Country, and of his trust as a Member of the Representative body of this Kingdom, and in performance of the obligations which the Oath of Allegiance, the Parliaments Protestation, the National Covenant, and the known Laws of the Land lay upon him, which duty he was bound to perform, (though with the extremest hazard of his life and fortunes) and though he may happily hope better things of this Army, yet since neither the Laws of the Land, nor common reason warrants him to presume upon his own private hopes and judgment (things which often deceive the wisest men in matters of far lesse moment) he could do no lesse than free his conscience, by making the whole House Witnesses of the cleernesse of his actions and intentions. Considering,

1. The many high speeches and threats often used against the King in all places, none excepted.

2. The dangers the King escaped from this very Army, which drove him from *Hampton-Court* to the *Isle of Wight*; and may possibly pursue him thither.

3. The Antimonarchical Principles wherewith many Members of this Army, and their Chaplains, and many elsewhere are seasoned, who cannot govern this Kingdome at their pleasure by a military Olygarchy of Grantees of the Committee of Safety at *Derby-house* and the Army (and so establish the Kingdom of the Saints) nor yet bring it to their own *levell*, but by taking off *summa papaverum capita*, all that is high and eminent. There is a Crowned Head in their way which must be removed.

4. The corrupted fantasies of many Antimonarchical Schismatics with Revelations and Raptures, who serve the Devil for Gods sake; making him the Author, and the doing of his will the pretence of all their crimes and villanies.

5. The many desperate guilty persons that fear peace; and are resolved, now the Sword is out, to burn the Scabbard. These look upon the King with an evil eye, as the Centre in whom all Interests must unite before we can have Peace. Despair tempts these men to make one sin a degree, and step to a higher. These three last sort of men having cast off all fear of God, will as easily condemn Gods substitute, the King; as he that casts off all reverence to the King will condemn his substitute, a Constable.

6. The

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6. The continual endeavours of the *Grande'es of Derby-house* and the Army, to put all the Armes, Garrisons, Ships, and Strengths of the Kingdom into the hands of Antimonarchical, Schismatical Independents: in order to which, they are raising of new Forces, and erecting new Garrisons in most Counties. These men when they could not get a power from the House of Commons to raise what Forces they pleased, (for when it was moved, they there ordered, *that no more motions should be made for raising new Forces, but between the hours of ten and twelve*) yet what they could not get by their leave, they now take without their leave: the General granting Commissions for raising and listing Horse and Foot in almost all Counties; for example, Sir *H. dresse Waller* (that one eyed *Polyphe'mus* of *Paltebord*) lately sent forth Commissions in the County of *Devon*: (by virtue (as his Commissions say) of the power granted him from his Excellency) for raising, listing, and training Horse and Foot, which shall be no burden to the Country, but be in pay with the rest of the army. In these Commissions he stileth himself (*unruly*) *Commander in cheif of all the forces of the five Western Associat Counties*: and gave authority and encouragement to the well affected (that is, to Independents, Sectaries, Antimonarchists, and the more desperate, forlorn sort of people) to enter into, and subscribe Engagements, *to live and die with the Army* (an imitation of the Members Engagement) *in defence of the Parliament*, (that is, of the engaged faction of Independents, Schismaticks, and corrupt persons, whom only the Army looks upon as the Parliament) witnesseth the Declaration of Sir *Thomas Fairfax*, and his Council of War, shewing the grounds of his advancing up to *London*. This usurpation was complained of in the House of Commons, Monday, 19. June, and prohibited then by Order.

7. Peradventure the reason why this Letter was published so unreasonably in a thin House, in so slight and surreptitious a way (as aforesaid) was, in hope it would have been passed over in silence (as it had like to have been) and so the whole House should have been engaged in the crime (if any such thing be intended) as *guilty of connivance and negligence*, though not as *Actors guilty of the fact*. The main scope of this party hath ever been, *by Treaties of Accommodation, uniting all Interests*, and other devices, to involve

volve others in their crimes, to infect others with their diseases; that all standing in need of one and the same desperate way of cure, may joyntly have the same friends and foes, and the same sins and quarrels to defend.

8. Friday, 16 June 1648. I was told, the Committee of *Derby house* had lately received a Letter from Col. *Hammond*, Governour of *Carisbrook* Castle, informing them, *That unlesse they supplied him with Money and Men, he could give no good account of the King, in case the Revolted ships should attempt his rescue: and farther, That he had matters of great importance to communicate to them, but durst not commit them to Paper; but if they would send for him up, or send a Confident of theirs to him, he would impart them.* This may probably be the businessse whereof *Osborne* gives information in his said Letters; and it may be Mr. *Walker* had heard of this report in the Hall, as well as my self, and might have the same conceit of it, that I have; if it be lawfull for me to take measure of another mans judgement by my own.

9. Lastly, who knows whether a powerfull desperate party, may have a design to take away the *Kings* life, and then declare his two eldest Sons incapable of Government; supposing they deserted the Kingdom, and invited foreign States to invade it: and then Crown the Duke of *Gloucester*, and so (abusing his tender years) usurp the protection of him, and under colour of that authority, establish (by degrees) their own usurpation, and the peoples slavery; having subdued their spirits by a long and customary bondage, under them; and having filled all places of power, profit and preferment in the Kingdom with men of their own principles and Interests, their own creatures and Confidents? This Army (last *April*) in their Council (amongst other things) debated, *The Deposing of the KING*, (why not murdering as well, since few Kings are deposed and not murdered?) *Dis-inheriting the PRINCE*, and *Crowning the DUKE of YORK*: which was then approved of by *Cromwell* and *Ireton*. Why may they not now dis-inherit both the elder Sons, and Crown the Duke of *Gloucester* as well? See the excellent *Remonstrance* of the *Colchester* Knights and Gentlemen, 1648. which I have Printed herewith for your satisfaction. That some such design might be to make away the *KING*, and dis-inherit the *PRINCE*,

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may well be suspected; because the 12. day of July, upon information, *That the Prince had sent into England some Blank Commissions to List men: Weaver* (an Implement of the Army, and Son to an Ale-house-keeper in *Wilsh.*) moved the House of Commons to *Vote the Prince a Traitor, &c.* And (I hear) that Mr. Solicitor (contrary to his Oath and duty of his place) *refuseth to be of Council against the said Rolf*; this Gentleman the Solicitor hath got above 300000*l.* by keeping open shop to sell the cruell mercies of the new Great Seal to the Royalists.

97.
Trinity-house
Petition for
a Personal
Treaty.

The 29. June. A Petition was delivered the House of Commons from the Masters of *Trinity-house*, Masters and Captains of Ships and Sea-men, for a *Personal Treaty with the KING*; declaring the great decay of trade, to the undoing of many thousand families, and that they would not fight against the revolted ships, their Brethren, who desired but the same things with them. Tho. Scot said, *That the Surrey-men first delivered a Petition for a Personal Treaty, which was seconded by the Kentish-men in Armes, and they by the City of London, : that all this was a design to ruine the Godly party. That he had read of a Man, who being asked when he was young, Why he did not marry? Answered, It was too soon: and being asked the same question when he was old, Answered, it was too late. So he was of opinion there could be no time seasonable for a personal Treaty, or a Peace with so perfidious and implacable a Prince; but it would always be too soon or too late. He that draws his sword upon his King must throw his Scabbard into the fire. All peace with him will prove the Spoil of the Godly. To which was Answered, That somemen got well by fishing in troubled waters; and accounted peace their spoil, because war was their gain: and they looked upon a Personal Treaty as a design against them (under the notion of the Godly, Honest, Confiding party) because a Personal Treaty was the high way to peace. But the generality of the people (who were despoyled of their Estates by the War) resolved upon a Personal Treaty, without which there is no hope of Peace: they would no longer be made fuel to that fire wherein these Salamanders live; nor any longer feed those Horse-leeches, (the Army, their engaged party and Servants) with their blood and marrow. It now appears who desire a new War; namely, those Zealots who supply their indigent fortunes by War. These men fear peace, doubting they*
shall

shall be forced to disgorge what they have swallowed in time of War: *Ven, Miles Corbet, Hill* the petty Lawyer of *Haberdashers* hall, the two *Askes*, Col. *Harvy*, and many other thriving Saints, opposed a Personal Treaty; so their Petition had no successe. I hear that (not many days after) the Committee of *Derby house* (to take off this affront) imployed Col. *Rainsborough* (the *quondam Neptune* of our Seas) to go up and down and solicit the Common sort of Marriners to subscribe, and present the House of Commons with a counter Petition, wherein they offered to live and die with the Parliament, &c. and that *Rainsborough* gave 12d. a piece to as many as subscribed it. This Petition was delivered.

The 2 of July, and after that (upon occasion of the City Petition for a Personal Treaty in London) upon the 5 of July, the House of Commons again took into debate a Personal Treaty. They spent much time upon the place where?

98.
The City Petitions for a personal Treaty.

1. Whether in the Isle of Wight? which the Independents principally affected.

2. *Holdenby*? which they next inclined unto.

3. Or any his Houses not nearer than 10 miles of London: at his own choice.

4. Or in the City of London?

Which two last places the Presbyterians approved of, but chiefly London: for London, it was argued, That the Common Council and Officers of the Souldiery would undertake for His safety against all Tumults. In any other place he would be within the power of the Army; who might probably take him away again (as they did at *Holdenby*) if they liked not the manner and matter of the Treaty. London was a place of most Honor, Safety, and Freedom; and would best satisfy the KING, the Scots, the people: In all other places (especially the Isle of Wight) He would be still a prisoner to the Army; and therefore all he should agree to, would be void by reason of Dures. Sergeant *Wylde* Answered, That *Custodia* did not always in Law signifie Imprisonment; Though He was under restraint of the Army. He was not in Prison; making a wyld kind of (nonsensie) difference between Restraint and Legal Imprisonment. (which all but himself laughed at.) The King cannot plead Dures; no man can imprison or hurt the King in his politic capacity as King, though in his natural capacity, as man, he is as

The History of Independency.

passive as other men. To which was replied, *That it had been frequently said in the House, the King was a prisoner. That there was no difference in Law, between a restraint and an imprisonment, whether legal, or illegal. A tortious restraint is called in Law, a false Imprisonment. That former Kings have avoided their own Acts by pleading Restraint (or Imprisonment) and Constraint, as R. 2. H. 3. That the King may as well plead Imprisonment, as the Parliament plead a Force, which they have lately done. That the Kings Restraint in Law is *Arcta custodia*, God grant it be *salva custodia*; we have lately had Information to the contrary. The distinction between the Kings natural and politique capacity was Treason in the *Spencers*, and so declared by 2 Acts of Parliament in the time of *Edw. 2.* and *Edw. 3.* See *Calvins* case in my Lord Cook, they are unseparable by the Law, *Tho. Scot* argued, *That the City was as obnoxious to the Kings anger as any part of the Kingdom; and if the Treaty should be in London, who shall secure us that the City will not make their Peace with the enraged King, by delivering up our Heads to Him for a sacrifice, as the men of Samaria did the heads of the 70 sons of Ahab?* It was farther moved, *That if the King came not to London, but to one of his houses about 10 miles from London, That He might be desired to give His Royal word to reside there untill the Conclusion of the Treaty.* Col. Harvy slighted this motion, vilifying the Kings Royal word, and saying, *There was no trust in Princes; he alleged, the Kings promises had been frequently broken; as when he protested the safety and privileges of Parliament should be as precious to Him, as the safety of His Wife and Children, and within three or four dayes after came with armed Guards to force the House, and other instances which have been too often remembred, and shall be here omitted.**

At last they fell upon a report, that the Committee of Lords and Commons had Voted, *They would not insist upon the 3 Votes preparatory to a Treaty, viz. Presbytery, the Militia, and recalling all Declar. Procla. &c.* This was long argued to and fro. At last it was Voted, *That the King be desired to assent to the said 3 preparatory Propositions, and sign them with his hand, to be passed as acts of Parliament when the King shall come to Westminster.*

My Lord of *Warwick* had moved in the Lords House about this time for a *Personal Treaty*, and was seconded by the Earl of *Northumberland*;

99:
My Lord Say's
discourse a-
bout a Perso-
nal Treaty.

Northumberland; but my Lord Say opposed it, and prevailed against it: afterwards my Lord Say in his way home visited the Duke of Richmond, and amongst other discourse, told the Duke, He was sorry to find so great an indisposition to peace, saying, he had moved for a Personal Treaty, but could not prevail; this was done upon hopes the Duke would have writ so much to the Queen, or Prince. But the Earl of Holland coming that day to see the Duke, and the Duke relating to the Earl what the Lord Say had told him, the Earl of Holland discovered the truth to him, and so spoiled the design: you see the Devil doth not always own the endeavours of his servants.

The said 5 July, the Speaker, as soon as he sat in his Chair, alarmed the house of Commons with the news of the Duke of Buckingham's, and the Earl of Holland's drawing into an hostile posture; relating they were 2000. that they intended to take Lambeth-house, that the Bullets would presently be about their ears if they did not rise; which put the zealots into such a rout, that they presently cried, Adjourn, adjourn, until Monday; and had hardly so much patience as to hear any reasons to the contrary; but this was but a counterfeit fear: the design hid under it was, to prevent the City from bringing in that day their Petition for a Personal Treaty, and to leave the whole power of the House, during the Adjournment, to the Committee of Derby house, to raise what Horse and Foot they pleased, under colour of suppressing this Insurrection.

For when they found they could not prevail to Adjourn, they moved for power to be given to Maj. Gen. Skippon to raise Horse, whether to possess the Avenues and passages from the City to the Earl of Holland's Army, or to keep the City under the terror of a Horse Guard, is doubtful.

And the same day Mr. Swynfin reported from the Committee of Safety, That they offered to the Consideration of that House, that it was fit the House should have a Horse Guard, and that every Member should underwrite how many Horse he will pay for 10 days.

This is refused by some Gentlemen upon these grounds:

1. It bears the aspect of an Imposition or Tax set upon the House by their Committee.

2. The Members have not suffered alike; and therefore cannot do

100.

The news of the D. of Buck. taking Arms.

101.

Skippon authorized to raise 1000 Horse.

102.

A Report from Derby house that the Members should underwrite for maintaining of Horse.

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do alike, some have lost much and got nothing, others have got much and lost nothing : and it is not equal that Losers should bear equall burthens with Getters, and contribute out of their Losses to maintain other mens Gains, and preserve them in their rich Offices, and Bishops Lands purchased for little or nothing. Gentlemen are made Beggars, and Beggars Gentlemen.

3. It is a dividing motion: tending to lay an imputation of Malignancy and disaffection upon those that cannot, as well as those that will not, subscribe : and so gives a great advantage to the Gainers over the Losers, which the Losers have no reason to submit to.

4. A Personal Treaty being now in debate : this motion makes many Members forbear the House, who cannot grant, and dare not deny : It carries with it therefore something of design and terror, and so takes away the liberty of Parliament, which when so weighty a business is handling is ought to be.

If this Horse Guard be raised, how shall we assure our selves they shall be Disbanded after ten days, being once under Command? It is therefore a subtle, malicious, tyrannous act, for the Committee of Safety to put so tempting a motion upon the House, and give men cause to suspect that something of Design and Danger lies hid under it.

103. About this time a Letter without any name subscribed, was The device of left at Major General Brown's house, in his absence : consisting of a forged letter, two parts.

1. A Preamble, of great respect and love born to him by the Epistoler for his fair carriage to the King, and good affection to peace, and reconciliation with the King.

2. An Admonition to look to himself, and moderate his Actions, the Army looking upon him as their onely Enemy, and Opponent in the City, lest they should seize upon him and carry him away, or do him some other mischief. This is conceived to be an Independent mouse-trap set up to catch a Presbyterian in; for if the Major General had not discovered the said Letter, and it had been found about him, or in his House ; or if it had been testified that such a Letter was left at his house and concealed : here had been matter enough for an Impeachment against him.

104. Correspondency with Card. Mazarini.

The Grandees of Derby house and the Army solicit the detaining of the PRINCE in France, and the delaying of his journey

journey for England, lest he trouble the yet unsettled Kingdom of the Saints. To negotiate which, they have an Agent lying Lierger with Cardinal *Mazarini* (the great French instrument of State) who is so well supplied with Money, and so open handed, That it hath been heard from *Mazarin's* own mouth, *That all the money the Queen and Prince hath cost the Crown of France, hath come out of the Parliament Purse with a good advantage.* It is likewise said, *Mazarini hath an Agent here, to drive on the Interests of France in England.*

The Grandees in reference to the pulling down of Monarchy, and the establishing of their Olygarchy or Tyranny (contrary to their Remonstrances, Declarations, the National Covenant, and their late Vote, *That they would not alter the ancient form of Government by King, Lords, and Commons*) have caused the Book written by *Parsons* the Jesuit, 1524 (under the feigned Name of *Doleman*) and called [*A Conference about the succession of the Crown*] to be published, under the Title of [*Several Speeches delivered at a Conference, concerning the power of Parliaments, to proceed against their Kings for mis-government.*] *Parsons* had made this Book a *Dialogue*, these Men have made it into *Speeches*. The Arguments and Presidents are meerly the same; you see they can joyn Interests with *France*: Doctrine with the Jesuits, to carry on their design, and reduce us to the condition of French Peasants or Slaves, under the Kingdom of the Saints. *Doleman's* Book was condemned by Act of Parliament, 35 *Eliz.* But what care the Grandees for Acts of Parliament, having fooled the people into a belief, That both the *Legislative* and *Judicative* power is in the two Houses of Parliament without the King, and that an over-powering party or *Funto* in the two Houses (complying with an Army to keep the rest under force and awe) is the *Parliament*.

105.
Doleman's Antimonarchical
Book printed.

See the Con-
clusions, 15,
16, 17.

106.
The Legisla-
tive, Judica-
tive power,
and the Mili-
tia, where they
reside.
See the Con-
clusions, 15,
16, 17.

The Parliament consisteth of 3 *Estates*.

1. The King, whom the Law calleth, *Principium, Caput & finis Parliamenti*: and therefore he only can *Call*, He only can *Dis- solve* a Parliament, and is himself called and chosen by none, being *primus motor*, that animates all.

2. The *Lords*: who have their creation and vocation only from the Kings bounty.

3. The

3. The *Commons*, who have their *summons* onely from the Kings Writ, though their *election* from the people; and in that respect only (the people being too diffused a Body to be Assembled) they have something of *Representation* in them, being the Epitome of the People. These 3 *Estates* concurring, have power to make new *Laws*, to change or repeal old *Laws*, and in some doubtfull cases rarely hapning (which the Judges dare not venture upon) they have power to interpret the *Laws*. This is a wise and politick constitution, for if any one, or any two of the said three *Estates* should make new *Laws*, Change, Repeal or Interpret old *Laws*, arbitrarily and at pleasure, without mutual agreement of all the three *Estates*, it were in the power of that one or two to enslave the other *Estate* or *Estates* so omitted. Besides, the Law doth not favour the making of new *Laws*, nor the changing and repealing of old *Laws*, being an innovation that stirs too many humors in a body politick, and indangers its health, and brings contempt upon the *Laws*: *Leges priusquam lata sunt perpendenda, quando lata, sunt obedienda*, saith *Arist. Pol.* But though all 3 *Estates* must assent to the making, altering or repealing a *Law*, yet any one of the 3 *Estates* hath a *Negative Voice*, and may dissent from such making, altering or repealing, to avoid innovation, as above said. How then can the two Houses of Parliament exercise the Legislative power, and make, change or repeal any *Law* by Ordinance, without the King, (the first *Estate* and head of the Parliament) and so deprive Him of His *Negative Voice*, and the people of their *Laws*, *Liberties*, and *Estates*, contrary to 9 *H. 3. Magna Charta*, 1 part. *Instit. sect. 234. in fine.* 7. *H. 7. 14.* especially when this very Parliament declares in the *Exact Col. 1 part. p. 727. That the King hath a Negative Voice, and that Bills are not Laws* (or *Acts* of Parliament) without the Kings assent (consequently not Ordinances.) And as the two Houses take upon them the Legislative power without the King, so in the case of the 4 Aldermen and Sir John Maynard, they usurped a *Judicative Power* in case of *Treason* tryable in the Kings Bench: yet it is most certain, that when the 3 *Estates* in Parliament have passed any *Act*, their power determines as to that *Act*, and then the Authority of the Judges begins, which is *Judicative*: whose Office is (upon cases brought before them) to determine whether that *Act* be binding or no; (for

Acts

2 H. 5. 4. H. 7.
c. 18. 12. H. 7.
c. 20. 1 Jac. 1.
2 Ch. c. 1.

Acts of Parliament against common right, Repugnant, or Impossible, are Void (Cook 8. f. 118. Dr. and Student, l. 1. c. 6.) and to expound the meaning, and signification of the words of such Act. If therefore the 2. Houses usurp the Legislative and Judicative power, or the Militia, otherwise than hath been by the fundamental constitution of this Monarchy, and the practice of all ages accustomed, the Grandees of the two Houses and Army seem to lay claim to them all by the Sword, for in the late Declaration against the Scots Papers, p. 64. they say, *That they engaged in this war upon these principles, viz. To keep the Legislative power, and the exercise of the Militia, without and against the Kings consent* and p. 63. *ibidem*, the Members tell us, *that in all matters concerning Church or State, we have no judge upon Earth but themselves.* It follows then, the Grandees do it to subvert the ancient Government, Laws and Liberties of this Nation; and establish a Military Olygarchy, or the Kingdom of the Saints over us in themselves. In order to which design they have put all things out of order, and turned them upside down; nay, they have crucified the whole Kingdom with Saint Peters Crucifixion, the head downwards, and the Heels upwards.

When this King went into Scotland, He compared the Common-wealth to a Watch, which they had taken in pieces; and advised them to keep every piece and pin safe, and put all in their right places again; but now all the principal pieces are either broken, or lost. God grant them to number their houres better hereafter, and to cloze well with our Master Work-man; for though this Kingdom hath alwaies been Ruled by King, Lords, and Commons; yet by the KING, architectonice; and by the other Two, organice; the King as the Architect, the Lords and Commons as His Instruments; each in his proper sphere of Activity, without interfering: and till this again come in use, look for no peace.

The Independent Grandees of the Parliament and Army are much offended with the City, and their adherents, in Petitioning for a Personal Treaty with the King, and give out, *That when they have done with Colchester, they will humble the City, and bring it to better obedience*, for which purpose, they have already taken all the Block-houses, upon the River East of the City, Windsor-Castle West of the City, and are now fortifying Gyddy-tall neer

107.
The Armies
Aspect upon
the City and
personal
Treaty.

Runsford in *Essex* South from the City; the like they intend at *Hampton Court*; and to build a Fort upon the *Isle of Dogs*, to keep under the Sea-men: whereby, possessing the principall ways, and Avenues to the City, they shall neither feed, nor Trade, but at the discretion of the Army. In the mean time the Cities desires of a Personal Treaty are delayed and made frustrate by a tedious Conference between a Committee of Parliament, and a Committee of Common-Council. And Counter-Petitions against a Personal Treaty are sent about by Alderman *Gybs*, *Foukes*, *Estwicke*, *Wollaston*, *Andrewes*, *Nye* the Independent Priest, and others, (who hold rich Offices by favour of the *Grandeers*) to be subscribed even by Apprentice Boyes; whereby it appears the Independents have no intent, to make peace with the King, but to engage in a new War, thereby to continue their Army, and our Slavery.

The yearly Income they raise upon the people under colour of this War, (besides the Kings Revenue, Sequestrations, and Compositions) amounts to three Millions sterling *per annum*, being six times as much as ever the most greedy and burdenom of our Kings raised: where our Stewards hide these our Talents (publick Debts and Arrears being unpaid) were worth finding out, if any but the Devil could give an Account thereof. But this is an unsoundable Gulf, here my plumb-line faileth me.

108.
Major Gen.
Skippon's
complaint.

The 10. of *July*, Major General *Skippon* complained in the House of Commons of a printed Paper, called, [*A Motive to all loyal Subjects, to endeavour the preservation of his Majesties Person*] wherein (he pretended) he was falsely and scandalously slandered for speaking some words in the House to divert the Examination of Mr. *Osborn's* Charge against *Rolf*. The House (that is, the Independents) were as diligent to become his Compurgators, and vindicare his credit, by passing and Printing 5. Votes for him, as they had formerly been to ruine the KING'S Honour by passing a Declaration against Him. This fellow *Skippon* was heretofore Waggoner in the Low-Countries to Sir *Francis Vere*, after that came over into *England* a poor forlorn Commander, and obtained of the King his Letters of Commendation to keep a kinde of Fencing School in the City Military yard, and teach the Citizens the postures of the Pike and Musket, and Train them; where he wore the mask of Religion so handfomly, that he soon insinuated

insinuated into their favours, and found them very bountifull Patrons to him; there he got his fat belly, and full purse; from the City he became Major Generall to the new-modelled Army: and observing some discontents arising between the City and Army, and being willing to keep two strings to his bow, that he might uphold his credit with the City, he voluntarily submitted himself to some affronts, purposely and politicly put upon him in the Army; and yet that the Army might understand him to be their creature, he marched with the Army in their Triumph through the City, still carrying himself as a moderate reconciling man, and sweetning the insolencies of the Army, by making milde and fair interpretations of their Actions; yet still so much magnified the power of the Army, as if he would persuade the City they were beholding to the Army, for making no worse use of their strength against them: Thus (as many other moderate, prudential men do) he lay a good while undescried in the bosome of the City, and there as a Spie and Intelligencer kept Centry for the Army, untill such time as the City petitioning the Commons for *restoring of their own Militia to them again*, the Council of the Army, (to mock them with an uneffectuall Militia) by their engaged party in the House, and the Committee of *Derby-house* (of which Cabal Skippon is one) caused their confiding man Skippon, not only to be named of the Committee of the *Militia* (although no Citizen) but to be obtruded upon the City as their *Major General, Commander in Chief of all their Forces*, without whom nothing is to be acted. This being resented and opposed, as contrary to the Cities Charter and Liberties, Skippon found he was discovered, and then (taking advantage of the Earle of *Holland's* going forth into Arms) upon a Report from the Committee of *Derby-house*, the Commons ordered, *that a Party of Horse should be raised and listed under Skippon*: Skippon by vertue of this Order granted Commissions to divers schismaticall Apprentices to raise men underhand, and authorized the said Commissioned Apprentices to grant Sub-commissions again to other Apprentices under them for the like purpose: This was pretended to prevent Tumults and Insurrections, but indeed it was to joyne with the Independent party of the City, and the army, (when they have done their work at *Colchester*) in purging the Presbyterians out of the Common-Council and Parliament; in

The History of Independency.

Yet they knew
they came in
by Authority
of the Parl.
of Scotland.

reference whereto, the Army have resolved not to march Northwards against the Scots, until they have brought this City to more absolute obedience, or laid it in the dust, according to Cromwel's advice; as a preparative to which design, the prevailing party in the House, July 15. (hand over head) Voted, *All such Scots as are come into England in hostile manner, without consent of both Houses of Parliament of England, Enemies to the State; and all such English as do or shall adhere to, aid, or assist them Traitors:* and the next day following, Weaver only in the House affirmed, that the Scottish design of D. Hamilton, the Colchester design, and that of the Earl of Holland, were all begun and carried on in the City of London: to which Ven, the two *Alhes*, Harvy, Scot, Miles Corbet, Blackstone, Sir Peter Wentworth, and others gave applause: loe here a foundation laid for a new Charge against the City, when the Army are at leisure to make use of it. This Hypocrite Skippon, when he had spoken any thing in the House prejudicial to the King or City, about a Week after (when the venom he hath spet hath wrought its effect, and is past remedy) usually complains in the House, that his words are carried forth of the House, and maliciously and falsely reported in the City to his disgrace and danger, and repeating in a more mild and qualified way some part of what he had formerly said, appealed to the House, *whether that were not the full truth of his words?* When the House, having forgotten his former words, no man can, and (for fear of the envy and malice of a powerfull Faction) no man will contradict him; this is his way of Apologizing and clearing himself. He hath got above 30000*l.* in his purse, besides 1000*l.* a year land of Inheritance given him by the Parliament. He hath secured his personal Estate beyond Sea, and his Wife and Children, and thereby withdrawn all pawns and pledges of his Fidelity both out of the power of the Parliament and City, and is here amongst us but in the nature of a *souldier of fortune*.

Note, that upon the said 15 day of July, when the debate was for Voting the Scots that were come in, *Enemies, &c.* the first question was put, that *all such Scots as are, or shall come into England, in hostile manner, without consent of both Houses of the Parliament of England, were Enemies, &c.* but upon farther debate, the words (or shall) were left out, upon this Consideration, that the Earl of Argyle might happily come into England with a Party, and fall upon.

106.

D. Hamiltons
Army Voted
Enemies.

upon Duke Hamilton in the rear to divert him.

July the 20. The Speaker told the Commons, that Major General Lambert had made stay of a Scottish Gentleman, one Mr. Haly-barton who passed through his quarters with Letters from D. Hamilton, to the two Houses, and the King; that he found about Mr. Haly-barton divers private Letters, for the carrying of which, he had publick on Authority, and therefore Lambert made bold to send those private Letters in a packet by themselves with his own seal and Mr. Haly-bartons: That Lambert had sent up Mr. Haly-barton with one Lieut. Col. Osburn, a Godly Scottish Gent. and another Keeper, in nature of a Prisoner. This Osburn delivered that private packet to the Speaker; so a Committee was named to peruse that private packet, and Osburn was called into speak what he knew; who delivered at the Bar, that the Godly party in Scotland were oppressed and trodden under foot by Duke Hamilton's party, that their very souls were afflicted at his proceedings, that the Kirk of Scotland with one mouth proclaimed in their faces their engagement and proceeding thereupon to be damnable and destructive: he desired the House not to look upon these proceedings as the Act of the Nation of Scotland, since there were a great many Godly men who hoped the Lord would enable them in his good time to march into England with the Marquesse of Argyle and fall into the rear of Duke Hamilton with a diversion. He reported, the Scots that came in to be but 8000 Horse and Foot, and Langdale but 2000. Then was read the Letters of D. Hamilton, wherein He complaineth no answer had been given to the Parliament of Scotland's just desires of the 26 April last, that by authority of the Scottish Parliament he was necessitated to come into England according to the Covenant, and not without the invitation of divers well-affected English who had taken the Covenant. There was a Declaration inclosed in the Letters, which the prevailing party obstructed the reading of (yet the Lords having printed it, they have since read it in the House) and presently the question was put, that all such English as have invited the Scots under D. Hamilton, to come in hostile manner into England, shall be declared Traitors? and carried in the Affirmative. I formerly told you, that about 12 July, Weaver moved, that the Prince of Wales might be Voted a Traitor: what they could not then carry with a fore-wind, they now brought in again with a side wind; but who doubts but the Prince invited in the

110.
D. Hamilton's
Letter and
Declaration
brought to the
House.

111.
L. Col. Osburn
a fugitive Scot.

the Scots to the relief of his Father and himself oppressed and imprisoned, contrary to the Solemn League and Covenant, by a Rebellious Army, and a schismatical party of both Houses engaged with the said Army: *And that the Scots are come in according to the Covenant only?*

112.
A motion in
the House of
Commons to
Bayl Rolf.

A little before this time *Tho. Scot*, Sir *P. Wentworth*, *Blackstone*, *C. Harvey*, *Hill* the Lawyer, and others pressed the House with much earnestness to Bayl Rolf, committed Prisoner to the Gate-house upon the Complaint of Mr. Osburn for endeavouring to make away the KING: using many words in his commendation for his godliness and faithfulness, and complaining of his hard usage in Prison where he lay amongst Rogues. It was opposed by many, because High Treason is not baylable by the Law, neither is the House of Commons a Court of Judicature; and therefore can neither Imprison, nor Bayle any but their own Members. At last Mr. *Sam. Brown* moved, that a Committee might examine the business for matter of Fact, and report to the House, and then the House (if they saw cause) might Bayle him; and bind over Master Osburn to prosecute him next term in the Kings-bench. This motion took effect, and great care was taken for the present, that Rolf might have better entertainment in the Gate-house according to his quality; having been not long since a Shoo-maker, one of the Gentle-craft.

113.
The Speakers
Warrant to
search for the
Foot-boy that
beat Sir Hen.
Mildmay.

About this time, 2 Files of Muskietiers, by warrant from the Speaker of the House of Commons, came in the dead time of the night to the Houses of Sir *Paul Pynder*, and Alderman *Langham*, pretending to search for the Foot-boy that beat Sir *H. Mildmay*. They forced open the doors of Sir *Pauls* house, and searched with great diligence; but could not do the like at Alderman *Langham's*, who being guilty of having some Money in his House, durst not adventure to obey the Warrant and open his doors; nor had he reason to do it, his House (by the Law) being his Castle of Defence, the privilege thereof not to be violated but in case of Felony or treason. Compare the diligent prosecutions in the behalf of Sir *Harry Mildmay*, with the slack and negligent proceedings in the behalf of the King, and you will find a new practical Law (contrary to the old known established Law) that a trespass against a Grandee (though but a Subject) is more than a treason against a King.

Fears,

Fears and Jealousies arising from several Informations (as that of *Croply* and *Hyde*, called, *The Resolutions of the Army*) and diverse other Symptoms of danger, but especially *Skippons* secret Lifting of Schismatiques in the City amongst the Congregations of Mr. *Goodwin*, Mr. *Patience*, and others, with power given him to kill and slay; his lifting servants against their Masters, and setting up a Power against a Power, had provoked that dull beast the City to know their own strength, to look into their Charter and the Customes of the City, and to Counter-list in their own defence: for which purpose, they passed an Act of Common Council, dated 27. July 1648. which was soon complained of in the House of Commons by *Ven*, *Harvey*, *Pennington*, and other ill Birds of that Corporation, who usually defile their own nests, after many aggravations; that after they had fought with the King for the *Militia*, any power out of the Parliament should presume to exercise it: a Committee was appointed to Treat with a Committee of the Common-Council, to hear what they could say for themselves, and by what authority they claimed the use of their own *Militia*. The Committees met, and amongst other things the said question was asked, *By what authority they listed men?* To which was answered, *That they did it by the Law of Self-defence, warranted by the Law of God, of nature, and of the Land:* and by a farther Authority, to question which, would make little for the advantage of the Parliament: This mysterious Answer stopped the mouthes of the Parliament Committee. If *London* should plead their Charter and usages, other places might doe the like; so this businesse was shut up in silence. Note that many Sectaries of *Westminster*, *Southwark*, and the *Hamlets* have been invited and countenanced to petition the House of Commons against uniting their *Militia's* with *London*, upon pretended cavils: As that they desired to have equal number of Voices in the *Militia* with *London*: But since *London* beareth 7. parts of 9. in the charge, it is an unreasonable demand.

By Orders (as is thought) from *Derby-house*, Colonel *Jones* Governour of *Dublyn*, hath seized upon most of the Presbyterian Commanders thereabouts, and sent them Prisoners to *Wexchester*, as Sir *Maurice Eustace*, Sir *John Gyford*, Col. *Willoughby*, Colonel *Flower*, Major *Stephens*, Major *Capron*, &c. to make room for Presbyterian Independent Officers in his Army, that the Saints only may possess the

114.

Fears and jealousies cause the City to resume the power of their own Militia.

115.

The Governor of *Dublyn* seized and sendeth over Prisoners the Presbyterian Commanders.

The History of Independency.

the good things of this world; but chiefly, that his Army being Com-manded by Antimonarchical Schismatics may the better sym-patize and unite with the Antimonarchical Papists in *Owen Roe O'neal's Army*, against the Lord *Inchiquin*, whereof the said Lord hath given some hint, as I have aforesaid. You see the predominant Principle is *Antimonarchy*, which easily overweighs *Religion* on both sides.

116.
A Frigot of
the Princes
taken with
many Letters
and Commis-
sions.

Sir *Milles Levesey* having casually taken a little Frigot of the Princes, called the *Christopher* manned with one Captain *Green*, and 8. men, took divers Commissions in her, and a Letter of Mart, granted to the said Captain to *make prize of Rebels and Enemies Goods*, and a Paper of Instructions, prohibiting *Green* to use any *Hostility* until the Prince had published his Declaration, and until it were designed who were *His Enemies*; other writings were then taken, which were referred to a Committee of the House of Com-mons to peruse and report. Mr. *Lechmore* reported from the said Committee, *That some of those writings were not fit to be published in the House*, (hereby you see that the House is already divested of that Power and Authority which the People have Trusted only them with, & all is now usurped by confiding Sectary Committees) so Mr. *Lechmore* reported, *That there was an Adjudication out of the Princes Admiralty held in the Isle of Jersey, whereby a ship be-longing to one Tucknell was adjudged against him, upon this ground given in the Adjudication, That Tucknell had taken that damna-ble Oath, called [The National Covenant.]* I appeal to any man that doth not hastily beleeve all he hears, whether it be probable the Prince (in such a conjuncture of time, when the Parliament it self says, *That the Prince invited the Scots to invade England, and had declared for them*) would hazard the losing of the Scots, by inserting such a clause in the Adjudication? All is not Gold that glitters; these Letters may be St. *Martins* ware, counterfeit stuff.

117.
A design to
seize on divers
Presbyterian
Aldermen,
Lords and
Commons.

About this time (it is reported by some that profess to know it) there was a design for *Skippon's* new listed-men to seize upon Alderman *Langham*, Alderman *Bunce*, and some of the Lords and Members of the House of Commons in the night; whereof notice being given, some of the Members knowing that Treachery (like the Basilisk) dies if it be first seen, to shew that it was discovered, caused one of their Party in the House, to move, *That*
Skippon

Skippon might be Ordered not to seize on, kill or slay any Member of either House.

An order passed the House of Commons for the Earl of Warwick, to fight the Prince at Sea. It was sent up to the Lords, and passed that House too; whereby it became an Ordinance. Yet some of the Lords entred a protestation against it, as the Earls of Lincoln, Suffolk, Lord North.

118.
An Ordinance for the Earl of Warwick to fight the Prince at Sea.

2. Of August, The Zealots of the House of Commons fell again upon the bulinesse of Rolf, at an unseasonable hour of the day, and in a thin House. They ordered a Conference with the Lords about him, and that the Lords be desired to joyn with the Commons in Bayling of him; and yet, for Treason, a man is not Baylable by Law. I cannot hear that Mr. Osburn's time of staying with Freedom and Safety to prosecute Rolf is renewed by the Commons, although it be expired; you see the Iron-bound Saints of the Army are impregnable, even against High Treason; if this Puny Saint be so inviolable, what hope have Major Huntington, and John Lilbourn to be heard against Cromwell?

119.
More endeavours of the Independents in favour of Rolf.

For if the man such freedom have,

What then must he that keeps the Knave?

Yet if Rolf had but bastinadoed Sir Henry Mildmay (and that's no great matter) peradventure he had been prosecuted in earnest.

Thursday, 3. August, a Letter from the Earl of Warwick was read in the House of Commons, complaining of the Refractorinesse of the Sea-men, and that he could not govern them without a Commission for Martial Law; which was readily assented to; as any thing that cries up Arbitrary power, above the known Laws, usually is. But how this will agree with the discipline of the Sea, and how they will fight being so yoaked, I know not.

120.
A Letter from the Earl of Warwick for Martial Law at Sea.

The same day a Letter passed the House of Commons, directed to the Assembly of the Kirk of Scotland, setting forth what the Parliament had done in way of settling peace, reforming the Church and Universities, and maintaining the Covenant and union between the two Nations, and complaining of Duke Hamilton's Invading England under the Authority of the Parliament of Scotland, to the Kirk there. How dangerous this president may prove to both Kingdoms, to make a few ambitious, pædantical Church-men supreme Judges over Parliament and State affairs,

121.
A Letter from the Parliament to the Assembly of the Kirk of Scotland.

in ordine ad Deum: and how apt they are to lay hold upon such occasions, and kindle their zeal into a consuming flame, I leave to all wise men to judge.

121.
A Declaration
and 1. Letters
from the
Prince, to the
City. The
Commons
Debate upon
them.

Thursday, 3. August. The Sheriffs of London and some of the Common Council brought to the House the Copies of two Letters they had received from the PRINCE; one directed to the Common Council, *expressing his Highnesse good affection to Peace, and to the whole City; and his endeavours to vindicate his Fathers Liberty and just Prerogative and Rights; to restore to the People their Laws, Liberties, and Property, to free them from that bondage under which they were now held like a Conquered Nation, to ease them of Excise and Taxes, to settle Religion according to his Fathers Agreement made with the Scots, and to reduce all things into their antient and proper Chanel.* This Letter was accompanied with his Declaration to the same purpose. The other was to the Merchant Adventurers, *Informing them he had made stay of 3. of their ships, but without any intent to make prize of them, desiring to borrow 20000l. of them to be repayed out of the Customs, and requiring their speedy answer.* To which Col. Harvey (first aggravating many faults in the King's Government, according to the scandalous Declaration against him) said, *The Prince was his Fathers own Son, as like him as could be. That he had invised the Scots to come in, and declared for them; and had been formerly in Arms against the Parliament. That he was but a Subject; And moved the House to declare him a Rebell and a Traytor.* Sir Peter Wentworth, Mr. Knightly, and Mr. Blackstone seconded him with much earnestnesse; so did Edward Aft, who farther moved, *That the Common Council and Merchants should give no answer to his Letters, saying, there was no danger the Prince should make prize of their ships, for that he had engaged to the States of the Low-Countries to do no act prejudiciall to Trade.* At last the Debate was put off until the next day, being Friday: when the Speaker putting the House in mind of it again, It was earnestly called upon by the younger Sir John Evelin (Mr. Solicitors shadow) Scot, Weaver, Holland, Boys, and almost all the Godly Gang. So the Debate was resumed: and Weaver went very high to try the temper of the House. But the Debate *in Terminis*, That the Prince should be declared a Rebell and a Traytor, was soon laid by (though violently pressed) chiefly upon these reasons.

3. That

1. That they had not the Originals of the Princes Letter and Declaration, (which the Common-Council still kept) but one-ly Copies, not so much as attested upon Oath by any authen- tical Clerk; therefore no legal proceedings could be upon them.

2. To Vote the Prince a Traytor the same day when they sent Messengers to invite the King his Father to a Treaty of Peace, would argue no peaceable inclination in them, and would be so understood by the People.

3. They were engaged by the Nationall Covenant to defend the King's Person, Crown and Dignity; but the Prince, Heir apparent to His Crown, was (next under God) the chief sup- porter of his Crown and Dignity, therefore to Vote him a Traitor was to subvert his Crown and Dignity.

4. By the Stat. 25. Edw. 3. it is *High Treason* to endeavour the destruction of the Prince, the Kings eldest Son; but to declare him a Rebel and a Traitor, was to endeavour to destroy him; and therefore High Treason.

5. The people were already jealous that the KING and His Posterity should be laid by; and in them the Monarchical Go- vernment of this Nation subverted, and a new form of Govern- ment introduced; they had already by the Votes of *No Addresses to the KING*, and by their Declaration against Him (wherein they say, *They can no longer confide in Him*) laid by the KING, and now to Vote the P R I N C E a Rebel and a Traytor, was to lay by both him, and his Brother the DUKE of YORK, who ad- heres to him, which would exceedingly confirm the people in their feares. But what they could not do expressly, they did im- plicitly, by Voting *All that should adhere to, ayd, or assist the PRINCE, Rebels and Traytors*: Hereby they put a tie upon the City not to redeem their Ships, by lending 20000l. to the Prince; and yet had a Pirat taken them, it had been lawful to redeem them.

All that ad- here to the Prince, decla- red Traytors.

Saturday, 5 August. The House of Commons went upon the Commissioners to judge of Scandals; there was a Clause in the Ordinance, forbidding the Nomination of such as refused the Na- tional Covenant, which was strongly opposed by the Independents, who argued, *That the National Covenant was but a League sworn mutually by the two Nations; that the Scots by Invading England had first broke it, and thereby set the English at liberty from it, that*

123.
The National Covenant.

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the Covenant was not Jure divino, no more than Presbytery was. To which was Answered, That the large Treaty containing the League between the two Nations, so did not the Covenant, which was a Vow made unto God with our hands lifted up to heaven, for the maintenance and observation of the ends and principles expressed in the Covenant, from which no power on Earth can absolve. That though the Covenant was not Jure divino, yet the keeping of it after we have taken it is Jure divino, it being the revealed will of God, that we should not offer to him the sacrifice of fools; a Covenant to day, and break it to morrow.

114.
A new Militia
erected in e-
very County,
in the hands
of Sectaries.

Mondon, 7 August. A particular Ordinance to put the County of Wilts into a posture of defence was read, many that were named to be Deputy Lieutenants, or Commissioners, were mean petty fellows, as one Read a Serving-man, and others, such as refuse to Act upon the Ordinances for settling Church Government, and declare that our Ministry is Antichristian, and are new dipped Brethren that have been re-baptized. *These to have power to raise what men, and put arms into what hands they list; to fine 10l. and twenty days Imprisonment for every default, and to levy 400l. a week upon that poor County over and above the Taxes to Fairfax's Army, and Ireland and Free-quarter.* The general Ordinance to trust the Counties with their own defence, is obstructed, to give way to these particular Ordinances, That all the Arms and Garrisons of the Kingdom may be put into the hands of Antimonarchical Sectaries, and the Militia of Godly Cut-throats established in every County towards the putting down of Monarchy, and the erecting of the many-headed Tyranny of the Saints of *Derby-house* and the Army. This Ordinance was committed.

115.
Letters unchar-
acterized, a
new invented
net to catch
Presbyterians
in.

Tuesday, 8 August. Thomas Scot made report to the House of Commons of the private Letters brought out of Scotland by Master Haly-barton, (whereof I have formerly given you notice) this Gentleman being a publique Messenger from the Kingdom of Scotland, (and not from Duke Hamilton or his Army, whom only the House of Commons have declared Enemies, without the concurrence of the Lords) hath leave given him by the Lords to stay a Month in England; yet the Commons have since Voted he shall be gone in twenty four hours, or else he shall be sent home in Custody. These Letters are most of them written in Characters, yet this well-gifted Brother Scot, hath found out a New
Light

Light to Decipher them by; and can tell by Inspiration, or by Privilege of Parliament, what Cypher or Character must signifie such a Letter of the Alphabet, or such a mans name. This engine added to the Schismatical High Commission or Committee of Clandestine Examinations, is better than any spring or trap to catch any active Presbyterian that lies crosse to the design of the Godly.

They may suppose any mans name to lie hid under such or such Characters and Cyphers, and so accuse him by virtue of this mysterious art, of ayding or complying with the Scots or the Prince, and in whatsoever the Faction pleaseth to call Treason upon his sleeve; these are the Arts of the Godly to make Innocency it self seem nocent, and remove out of the way such as hinder the erecting the Kingdom of the Saints.

These Letters so decyphered, were afterwards at a Conference reported to the Lords.

Wednesday, 9 August. The Answer to the City Petition (the day before delivered to the House of Commons) was reported to the House. It was an Answer to some of the Prayers of that Petition only, but gave no Answer to their desires, for the Disbanding of all Armies to ease the people of their Burdens. The restoring of the peoples Lawes and Liberties. The enjoying all Members to attend the House; nor to the effectuall observation of the self-denying Ordinance: this last is a *noli me tangere*; if all Members should be enjoined to be self-denying men, there would be few Godly men left in the House; How should the Saints possesse the good things of this world? yet (after some debate, and divers expressions used by *Weaver* and *Harvy*, That it appeared by the Petition that the City would desert the Parliament) they gave an Answer to their desires concerning the union to be kept with *Scotland*, and a Cessation of all acts of Hostility during the Treaty of Peace; That they had Voted the Army under Duke *Hamilton* Enemies, and Declared, They would Act accordingly against them, to which they would adhere.

Master *Hungerford* argued, That because the Lords had denyed to concur in the said Vote, he conceived the House could make no such Declaration, nor act therein without them. This put the Zealous into a flame, that any Member should argue against the Privileges of their House, so far as to deny them to be Almighty

126.
The City Petition answered.

127.
The Commons debate to take away the Lords Negative voice and act without them.

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ty singly, and *per se*: Reynolds the Lawyer positively affirming; that the Houses of Commons (being the Representative of all the People) had power to Act without the Lords for safety of the people, in case the Lords deserted their trust: you see in this doctrine (as it hath been already, and is likely to be practised hereafter) a ground layd to subvert the foundation of all Parliaments for ever, and to bring all degrees of men to a parity or levell. For the Parliament (by all the known Laws of the Land) consisting of 3. Estates,

1. King, 2. Lords, And 3. Commons.

Two of the Estates (*viz.* the Lords and Commons) have already laid by the King, and His Negative Voice; and now the Commons debate of laying by the Lords, and their Negative Voice, because (in their judgement) they desert their Trust. And so the Commons alone shall act as a Parliament without KING or Lords, until falling into contempt and hatred of the people, (which will soon happen) the Grandees of *Derby-house* and the Army shall take advantage to lay the House of Commons by, and usurp the Kings supreme Governing Power, the Parliaments Legislative Power, yea and the Judges Judicative Power to themselves, and establish the many-headed Kingdom, Tyranny, or Oligarchy of the Saints (so much contended for) in themselves. *O populum in servitutem paratum!* as *Tyberius* said of the Romans. This is the tail of the Viper, here lies his venom.

128.
Dead men Sequestred, and the Sanctuary of the Grave violated.

Saturday, 12 August, A Message was sent to the Commons from the House of Lords in the behalf of Commissary Generall Copley, who had bought, and had a grant of the Wardship of the Heir of Sir William Hansby, for which he paid Fine and Rent, and was outed of it by a Sequestration laid upon Hansby's Estate after his death, he having been never questioned for Delinquency during his life-time; and this was maliciously done about the time when Master Copley was Imprisoned by the power of the Independent Faction, (whereof I have already said something) Master Cop'ey desired the Sequestration might be taken off, and he permitted to enjoy his Contract made with the Court of Wards; alleging, that to Sequester or condemn a man after his death, when he could not answer for himself, was against the Laws of the Land, even in the highest crimes of Felony and Treason: and produced a President, *That the Committee of Lords and Commons*

Commons for Sequestrations had taken off a Sequestration from the Lands of Andrew Wall, for no other reason but because Andrew Wall was Sequestred after his death. The case was diversly argued; it was alleged, that in cases of the highest Treason no man was condemned after death, because he was not then in being to answer for himself, there could be no proceeding in Law against a non ens. In Felony if a man will stand mute, he forfeits not his lands, because there wants an Answer, and yet it was his own fault not to answer. The Parliament is bound by all their Declarations made both to KING and People, and by the Nationall Covenant which contains all the first and just Principles of the Parliament, to defend the Laws and Liberties of the Land, and not to subvert them. Take heed of giving so dangerous a President for Kings to act by hereafter against the People, and against this Parliament and their friends; since no man yet knows which way the tide may turn. But the Independent Faction (whose interest it is to keep themselves rich, and all men else poor) argued the case merely upon point of profit and conveniency, and neglected the right and jus of the business. They alleged, That men of desperate resolutions would not reward the losse of their own lives, so as they might preserve their Wives and Children: That the State (as they pleased to stile it) would lose much by such an example, they could not therefore approve of the lenity of the Lords and Commons used in Walls case; many had been Sequestred after death, and so arguing à facto ad jus; alleged, that in case of Monopolies, satisfaction had been awarded out of dead mens Estates. But they forgot that out of Sequestrations no satisfaction is given to the parties wronged; the Committees and Sequestrators imbezelling the profits of them to increase their own gains, not bestowing them to repair injured mens losses, and so the equity upon which this President is founded, faileth in case of Sequestrations. Thus you see these greedy Canibal Saints (like the hungry dogs that ate Jesebel) will devour carrion, or any thing that will make them fat and full: yet they declared, They were willing this Sequestration should be bestowed upon Master Copley as a Gratuity, not as a Right for fear of the example. Observe, that if Master Copley had waived his Title by Composition, and accepted this Wardship as a Gift, they would resently have published it in their News books, and Gilbert Mabbot should have proclaimed to all the world, that

Prebyterians

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Presbyterians and Independents might be thought alike guilty of impoverishing the Kingdom: for the Faction labours nothing more than to have Companions in their sins and shames: At last it was passed, That Mr. Copley should have the Wardship restored to him, but great care taken it should not be drawn into example hereafter, that a man may not be Sequestred for Delinquency after his death, *Cavete vobis mortui atque sepulti*, dead mens graves are not secure from these *Lycanthropi*, these *Lougarons*.

139.
The Messengers to the King, Report their Message in the House of Commons.

Monday, 14. *August*, Master *Bulkeley* in the name of himself and his fellow-Commissioner Sir *I. Hippeley* (sent to the King to acquaint him with the Vote of the two Houses, *That they desired a Treaty with the King upon the Propositions of Hampton-Court in what place of the Island of Wight He should think fit, and that the Treaty shall be with Honour, Freedom, and Safety to His Majesty*) Reported to the House of Commons all the circumstances and emergencies of their employment, (the Kings Letter of Answer being carried to the Lords by the Earl of *Middlesex*, and therefore not delivered to the Commons for the present) which with much candor were related as followeth, *That the KING had them welcom, saying, they came about a welcome businesse (P E A C E) which no man desired with more earnestnesse than Himself; and if there did not ensue a Peace, the fault should not lie at his dore; and that He feared no obstructions from any but those who gained by the War.* He farther said, that His Majesty desired (immediatly after the delivery of the Votes) to speak a word with them in private, which they modestly excused for want of Commission. That about two days after his Majesty seeing the said Commissioners of the Parliament standing in the Presence Chamber, first beckoned the Earl of *Middlesex* to him, and had some short discourse singly with him, and then with Sir *John Hippeley* and Master *Bulkeley* one after another. These three Gentlemen afterwards comparing their notes, found the Kings discourse to every of them to be all to one effect, *viz. Expressing His desires of a good peace; and importuning them to do all good Offices conducing thereto.* He farther related, that when they took leave of His Majesty, He delivered His Answer in writing to them unsealed; telling them, He doubted not their fidelity, though ill use had been made of His last Answer which he sent open, it having been debated in private, and a prejudice put upon it, before it was
pre-

presented to the Houses. This free and impartial Report shewing how earnest his Majesty is for Peace, did the King so much Right, that the Antimonarchical Faction looked upon it as done to their wrong, and *Herbert Morley* presently spit out his Venom to this purpose, Mr. Speaker, *These Gentlemen have delivered all to you but what they should deliver, that is, the Kings Answer, which they have suffered first to be carried to the Lords; they might have delivered you at least a Copy thereof* (it should seem *Morley* had forgot that the House proceeds not upon Copies) *My motion is, that since these Gentlemen have exceeded their Commission by conferring privately with the King, the House may do well either to question them therefore, or give them an Act of Oblivion for their good service:* This was cried upon a long time by the whole kennell of the Faction, and at last put off till the next day, when the Lords sending down the Kings Letter, the House should have the whole business before them.

The next day being Tuesday, 15. August, the Kings afore said Letter of Answer with divers Votes thereupon were sent down from the Lords to the House of Commons, when presently the Beagles of the Faction spent their mouth; freely against the said Commissioners again for lending the KING the civility of an eare in private, as above said. After a long debate, at last this Objection stopped the Mouths of Malice it self, *That if these Gentlemen had reported an aversness in the King to Peace (and aggravated His Words as other Messengers had formerly done, whereof the King seem'd to complain)* it would have proved a welcome discovery, and have been rewarded with Thanks instead of an Act of Oblivion. So with much ado, Thanks were given to the said Gentlemen, with approbation of their proceedings.

130.
The afore said
Messengers a-
gain.

The same day the Militia of London were called into the House of Commons, where Alderman Gybs in the name of the Common-Council and Militia (not by Petition, but in a set Speech) delivered the fears and jealousies of the City (even of the gravest, wisest, and best affected) occasioned by *Skippon's* underhand Listing of Schismatics, Antimonarchists; his setting up thereby a power against a power, to the endangering of a civil War within the Bowels of the City; weakning of the Trained Bands, deboshing Servants from their Masters, Children from their Parents. That under colour of *Skippon's* private Listings, other pri-

131.
The Militia of
London: Con-
cerning pri-
vate Listing
by *Skippon*; and
the Militia of
the City.

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vate Listings were carried on by Malignants, the Magistrates of the City not being able to question either, and distinguish one from the other. That fear was a violent passion, and was now grown so universal, that the Common Council knew not how to give satisfaction therein, the Citizens usually clamouring, *that if the Houses did not give them leave to look to their safety, they must have recourse to the Law of Nature, and Act in their Militia without the Houses in order to Self-defence, allowable by all Laws, and practised by this very Parliament against the King, and by Fairfax's Army against this Parliament.*

The Prayers of his Speech were three.

1. That Skippon's Listed men might be under the Militia of the City.
2. That the expired Ordinance for Listing Forces might be revived.
3. That the Militias of *Westminster, Southwark, and the Hamlets* might be united with the City as formerly.

To this clause of having recourse to the *Law of Nature for Self-defence*, great exceptions were taken in the debate of the House by the two *Ashes, Ven, Harvy, Scot, Weaver*, and other of the Godly pack. *That the Parliament having fought with the King for the Militia, and having got it by the Sword, any other Interest, upon any title whatsoever should dare to lay claim to any part of it.* You see these Lyons of the Tribe will allow no Beasts of different kind to share with them in their prey, although they did sweat and bleed with them in the hunting and catching it. The Grandees may as well say *they have conquered our Laws and Liberties*; for (as I have in my *General Conclusion* cited) they say, *That they fought with the King for his Negative Voice, and Legislative Power, and that God hath by the Verdict of the Sword given judgement for them*; and yet when the King claimed them by a better and more legal Title than the Sword, they could object the equity of the Laws against the killing letter of them, which they say, directs still to the equitable sense of all Laws, as differing with the very letter thereof as being supreme to it when safety and preservation is concerned, and alleging, *That all Authority is seated fundamentally in the Office, and but ministerially in the persons*; and that it is no resisting of Magistracy to side with the *just Principles of Nature*. See the Declaration and Papers of the

Arm

Army, p. 39. 40. and the *Extra Collect.* p. 150. & *alibi passim*: In conclusion, after a tedious debate, the desires of the Citizens were referred to a Committee of the House to be wyer-drawn into an Ordinance, *That all Forces raised, and to be raised in the City of London, and the Liberties thereof, should be subject to the Militia of London* (whereof Skippon is a Member) *and under the Command of Major General Skippon*. When this Ordinance will be perfected, what the sense and meaning of this Riddle is, and what dangers may befall the City if *Colchester* be taken, or the *Scots* beaten, before they have leave to put themselves into a posture of defence, God knows. It was farther referred to bring in an Ordinance for uniting the aforesaid *Militias*. You see how jealous they are of late of the *Militia*, since the Grandees entertained new Principles, and new designs. In the Propositions presented to the King at *Newcastle*, the Proposition for the *Militia* hath this proviso, *Provided that the City of London shall have and enjoy all their Rights, Liberties, Franchises and Customs, and Usages in raising and employing the Forces of that City for the defence thereof, in as full and ample manner to all intents and purposes, as they have, or might have used or enjoyed the same at any time before the making of this Act or Proposition: to the end that City may be fully assured, it is not in the intencion of the Parl. to take from them any Privileges or Immunities in raising and disposing of their Forces, which they have, or might have used or enjoyed heretofore*. This is a clear confession, that by the ancient Customs and Usages of the City, they have Right to their own *Militia*, or else this *Proviso* were vain; howsoever the learned Counsel of the City fool them. The like *proviso* word for word is contained in the Proposition for the *Militia of Hampton Court*, saving that the last clause, *That the City may be assured the Parliament hath no intencion to take from them any Privileges, &c.* is omitted, I think to please the Army and their engaged party. See the Letters, Papers, Transactions of the English Commissioners in *Scotland* with the *Scots*, &c. p. 58.

Wednesday 16 August. The Kings said Letter was read, and the Lords Votes thereupon: first, (after some little opposition) the Commons concurred with the Lords in recalling the 4 Votes for making and receiving no *Addresses to or from the King*: thereby, 1. Absolving him from a kind of Parliamentary Excommunication.

133.
The Lords
Votes upon
the Kings Letter,
debated in
the House of
Commons.

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2. Restoring to all Free-born Subjects the Liberty they are born to, of presenting their humble desires to his Majesty, and performing the duties of their Allegiance and Oath.

And 3. Reducing themselves unto that scope, and end, for which only the Writ summons them as a Parliament, viz. *To Treat with the King*. The second Vote, was, *To recall the Instructions of Parliament given to Hammond, how to carry himself in his Charge towards the King, His Servants, and all Resorers to Him, &c.* This was laid by, to be debated in the last place, after all the rest of the Lords Votes. The third Vote read, was, *That such men of all professions as the King should send for, as of necessary use to Him in the Treaty, may be admitted to wait on him, and that He might be in the same State of Freedom He was in when He was last at Hampton-Court.* This Vote (instead of concurring with the Lords) was divided. The first part (after many objections to it) was moulded into this following question, and carried in the affirmative, *that His Majesty might send for men of all professions, and be being desired first to send a List of their Names to the Parl. and nominating no Person excepted out of Pardon, none that have been in Actual War against the Parliament, nor any man that is under restraint of the Parliament.* The latter part of this Vote, for enjoying such Freedom as he was in at Hampton-Court, was diversly argued for the Ambiguoufnesse of it; the question being, *Whether such freedom as the Parliament allowed him, or such freedom as the Army (for their own ends) gave him, de facto, were intended?* at last the question was agreed to be in *Terminis*. The fourth Vote, was, *that the Scots should be invited to the treaty*: this likewise was doubtfully argued, 1. *whether they should be invited by the Parliament? considering they had broken the large treaty, National Covenant, and Union, by surprizing and Garrisoning Barwick and Carlisle, and by entering England with an Army*: This was carried in the Negative. The 2. Debate, was, *whether it should be left to the King to invite the Scots to send some persons authorized to treat upon such Propositions as they should make for the Interest of Scotland only?* This likewise was opposed for the reasons aforesaid, and because the Power and Authority of Scotland was now in the hands of Duke Hamilton and a few disaffected persons, who were not likely to send any of the honest Godly party to Treat, whereby the Treaty would be carried on

to the disadvantage and ruine of the Godly and of the Church, our only friends there: And Mr. *Afworth* related, *That the major part of the past Parliament of Scotland over-powred the minor part by an Army, and so got the Engagement and other Acts, and the Committee of Estates passed, against which the Assembly of the Kirk (consisting of 400 persons) declared with one Voice.* I know not what he meant, by saying *the major part in Scotland over-powred the minor*, when I consider that *major pars obtinet rationem totius*, the major part is virtually the Parliament, to which the minor part must submit; although here in *England* the lesser part of the Parliament engaging and conspiring with an Army (whom themselves in a full and free Parliament had formerly declared *Enemies to the State*) overpowred the greater part, contrary to reason and practice. This question seemed to agree with the sense of the Independents reasonably well, because it leaves it onely to the pleasure of the King to Treat dis-junctively with the Scots upon the sole Interest of *Scotland*, as men no ways concerned in the settlement of Peace in *England*; whereby it is tacitely inferred, that the Treaties, Covenant, and Union between the two Kingdoms is dissolved, so the question aforesaid was put with this addition, *That if the King shall be pleased to invite the Scots to send some Persons Authorized, &c. the Parliament will give them safe conduct.* The fifth Vote of the Lords was, *That Newport in the Island of Wight should be the place of Treaty:* to which the Commons concurred. With these debates ended this Week the 19 day of *August*.

About this time came forth a Book entituled, [*The necessity of the absolute power of all Kings; and in particular, of the King of England*] concerning which, I am to admonish the Reader, that it is conceived to be a Cockatrice hatched by the Antimonarchical Faction, to envenome the people against the KING and PRINCE.

'33.
A pestilent
Book, called,
[*The necessity
of the absolute
power of Kings,
&c.*]

The next Week begins with Monday 21 *August*, of whose proceedings I can give you only an imperfect scrambling relation; and so shall surcease all farther endeavours in this kind, because I have already delivered enough for your Instruction, if God have not appointed you to be led blindfold into the pit digged for your destruction; but principally because my good *Genius*, that furnished me with Intelligence, hath now retired himself

himself from acting without hope, to praying with faith, for his Country; being tired out with hearing and seeing so much sinne and folly as now reigns at *Westminster*: and I love not much to take news upon trust from the vulgar Peripateticks of the Hall. The chief things of note were, More Complaints of *Henry Martyn*, who now declares himself for a *Community of Wealth*, as well as of Women, and protests against King, Lords, Gentry, Lawyers, and Clergy, nay, against the *Parliament it self*, in whose bosome this Viper hath been fostered, and against all *Magistrates*; like a second *Wat Tyler*, all Pen and Inhorn-men must down. His *Levelling Doctrine* is contained in a Pamphlet, called, [*Englands Troubler Troubled*] wherein, *All Rich men whatsoever are declared Enemies to the Mean men of England*, and (in effect) War denounced against them.

134.
Mr. Martyns
levelling
practises and
principles.

Next, the Ordinance for transferring over to the *Militia of London* Skippon's power of *lifting man in London*, was passed in the House of Commons, with this Coloquintida in it, *That Skippon should name and appoint Commanders and Officers for the Forces listed, to be approved of by the Militia of London.*

135.
Skippon's
Listings.

A Letter from *Oliver Cromwel* was read in the House of Commons, relating his easie victory over *Duke Hamilton* and *Major Gen. Bayly*, (which puts me in mind of *Ovid's* Victory over *Corinna*, of whom he saith,

136.
Cromwel's
laureat letters
20 Aug. 1648:

Victa est, non agere, proditione sua.)

and containing an admonition not to hate Gods people, who are as the apple of his eye, and for whom even Kings shall be reproved: and exhorting the Speaker (to whom it was written) to fulfill the end of his Magistracy, that all that will live peaceably and quietly (*viz.* in Vassalage to *Oliver* and his Faction, and neglect Religion, Laws, and Liberties) may have countenance from him. (God blesse all honest men from the light of *Oliver's* countenance, lest in an *ignis fatuus* mislead them from the duties of their Oaths of Allegiance, Supremacy, Potestiation, and Covenant) and they that are implacable, may speedily be destroyed out of the Land.

137.
Martial Law
in London.

To prepare the way to whose destruction, it was Ordered, *That an Ordinance be penned, and brought into the House of Commons, to try all such by Martial Law in the City of London as shall be found to plot, design, or contrive any thing, to endanger the Parliament or City.* And yet London is no Garrison now as it

was

was when *Tomkins* and *Challoner* were tried ; nor is there any Enemy considerable in the Field, whereby the known Laws of the Land may not passe currently through the Kingdom : but our known Laws are not written in blood ; nor are they so flexible as to make all Traytors, the Faction pleaseth to call such.

Yet as cruel as these Caco fuegos of the Faction are to some, they have mercy enough for *Rolf*, whose Bayl was again exceeding-^{138.} ly pressed : and that his two Prosecutors *Osburn* and *Dowcet* should *Rolf's Bayl a-* gain pressed. be under restraint in this stead ; whom they have forejudged (out of the King's Letter to the Houses) not to be able to prove their information, whereas it may be discretion in the King not to encrease his danger by acknowledging it.

Saturday, 26. *August*. The King's Letter to the Committee of States in *Scotland*, &c. in Answer to their Letter sent to Him by *Haly-burton* (which Letter was taken from *Haly-burton*,^{139.} although a publique Minister of State, and allowed by Parliament to carry their Letter to the King) was read in the House of Commons. The KINGS Letter to the States of Scotland taken from *Haly-burton*.

I hear in general, that it was excellently well penned, and a very just, honest, and peaceable Letter. Yet it was Voted, neither to be sent to the Lords, nor to be restored to *Haly-burton* ; but damned to close imprisonment in a Box, under Seal ; lest the people should know how truly zealous his Majesty is to settle Peace in the Land : a mystery their understandings must not be trusted withall.



Prolegomena.

Promises, Protestations, and Covenants, made by this Parliament in behalf of the King and People.

After a repetition of many good Acts and Concessions obtained by this Parliament of the King for the ease of the People, they say farther, that other things of main importance for the good of this Kingdom are in Proposition, &c. which yet before the end of this Session they hope may receive some progress and perfection ; As the establishing and ordering the Kings Revenue, &c. The Regulating

Remembrance.
15. December
1642. *Exalt.*
Collect. p. 15.

The History of Independency.

ing of Courts of Justice, and the abridging both the delays and Charges of Law Sutes, &c. Preventing the exportation of Gold and Silver; and the inequality of Exchanges between this and other Kingdoms; improving the Herring fishing upon our Coasts, &c. which things in all their Propositions and Addresses to the King have not been once mentioned, nor any thing else but what makes for the profit, preferment, and power of a few ambitious Grandees of the Parliament, and Army; in order to which, they demand the Militia of a Standing Army, with an arbitrary power to raise what Forces by Land and Sea, consisting of what persons, and to raise what sums of Money out of every mans Estate they please: which power the King hath not to give, neither did He nor His Ancestors ever exercise: the only Militia they used having been either the *Posse Comitatus* under the Sheriffs, which is very legal and ancient, or the Militia of Trained Bands under Lord Lieutenants, and their Deputy Lieutenants, which is a new invention. Nor did the policy of our Law ever trust the power of the Sword, and the Purse in one hand, for fear of enslaving the People.

Ex. Col. p. 19. They farther declare, *That it is far from their purpose or desire to let loose the Golden reins of Discipline and Government in the Church, to have private persons or particular Congregations to take up what form of Divine Service they please, because they hold it requisite that there should be throughout the whole Realm a Conformity to that Order which the Laws enjoy.*

Ex. Col. p. 203. They farther say there, *That the gracious favour His Majesty expressed in the Bill for continuance of this Parliament, and the advantage and security which they thereby have from being Dissolved, shall not encourage them to do any thing, which otherwise had not been fit to have been done.*

Ex. Col. p. 281. They conclude the said Declaration thus, *That they doubt not but it shall in the end appear to all the world, that their endeavours have been most hearty and sincere, for the maintenance of the true Protestant Religion, The Kings just Prerogatives, The Laws and Liberties of the Land, and the Privileges of Parliament, in which endeavours (by the Grace of God) they would still persist, though they should perish in the work.*

Ex. Col. p. 376. In their Declaration, 4. June 1642. The Lords and Commons do declare, *That the Design of their Propositions for Plate and Money is, To maintain the Protestant Religion, the King's Authority and Person,*

Person, in his Royal Dignity ; The free Course of Justice, The Laws of the Land, (what then becomes of Martial Law, and Committee Law?) The Peace of the Kingdom, and Privileges of Parliament.

In their Propositions for bringing in Money and Plate, 10. June Ex. Col. p. 1642. the Lords and Commons declare, *That no mans affections shall be measured according to the proportion of his offer, so that he express his good will to the Service in any proportion whatsoever, (that is, so that he ingage with them) yet notwithstanding the 29. November. following, the same Lords and Commons appointed a Committee of 6. persons, who should have power to Assess all such persons as were of ability, and had not Contributed, and such as had Contributed, yet not according to their ability, (which is now looked upon as a Malignancy) to pay such sums of Money, according to their Estates, as the Assessors, or any of them should think fit, so as the same exceeded not the 20. part of their Estates. The power is still exercised by all Country Committees, to a 5. and 20. part, charged upon all men, even such as have been destroyed and undone, or laid forth themselves beyond their abilities, for their service to this Parliament.*

In the National Covenant taken by this Parliament, and by them imposed upon the Kingdom to be taken with hands lifted up to the most High God, the Lords and Commons vow, *To maintain the King's Person, Crown and Dignity, in Defence of Religion, Laws, and Liberties, &c. To suppress all Errors, Heresies, Blasphemies, and Schisms ; and to defend one another mutually in the same work with their lives and fortunes ;* yet is the same Covenant now cast aside, and called, *An Almanack out of date.* Many men have been punished for attempting to keep it. And (I hear) the House of Commons are now upon passing an Ordinance for *Martial Law* to be executed in London, upon all such persons, *as having taken the said Covenant, shall attempt or design any thing against the Parliament or City of London :* what is this but to impose a special penalty upon such as have taken the Covenant, and leave those that have not taken it free? And who doubts but that the said Council of War shall consist of Anti-monarchical Schismaticks and Anticovenanters, for the most part, who shall stretch every word to the utmost extent. And this is now in brewing, contrary to the *Petition of Right, 3. Caroli, & Magna Charta,* no considerable enemy being in the Field, and the Courts of Justice in *Westminster hall* sitting :

T

nay,

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nay, I hear (like *Janus Bifrons*) this Law (if I do not mis-call it) looks backwards to Acts past, as well as forward, contrary to the nature of all Laws, which have an admonishing power to warn men of the evil to come, before they can have a punishing power for evils passed: Therefore the Apostle saith, *Sin is a breach of a Commandement, (or Law) I had not known Sin but by the Law.* The Law therefore must be previous to the Sin. How the said Promises and Covenant, and many more have been kept, let the world judge.

What the Promises, Undertakings, and Proposals of the Army have been in order to settling the peace of the people of this Kingdom, and of the King's just Rights and Prerogatives, and their own Disbanding, are to be found in their many printed Papers; which I will here omit, because they had no lawfull calling or warrant for such undertakings, and how they have been prosecuted and performed, is obvious to every capacity.



General
Conclusion.

Out of these Premises, I shall draw these Conclusions following.

1.
The Grandees
have subverted
the fundamen-
tal Govern-
ment of the
Kingdom, and
why?

1. **T**He engaged Party have laid the *Axe* to the very root of *Monarchy* and *Parliaments*; they have cast all the Mysteries and secrets of Government, both by Kings and Parliaments, before the vulgar, (like *Pearl before Swine*) and have taught both the Souldiery and People to look so far into them, as to ravel back all Governments, to the first principles of nature: He that shakes Fundamentals, means to take down the Fabrick. Nor have they been careful to save the materials for Posterity. What these negative Statists will set up in the room of these ruined buildings, doth not appear, only I will say, *They have made the People thereby so curious and so arrogant, that they will never find humility enough to submit to a civil rule*; their aim therefore from the beginning was to rule them by the power of the Sword, a military Aristocracy or Oligarchy, as now they do. Amongst the ancient Romans, *Tentare arcana Imperii*, to prophane the Mysteries of State, was Treason; because there can be no form of Government without its proper Mysteries, which are no longer Mysteries than while they are concealed. Ignorance, and Admiration arising from

from Ignorance are the Parents of civil devotion and obedience, though not of Theological.

2. Nor have these *Grandeers* and their party in the Synod, dealt more kindly with the Church, than with the *Common-wealth*; whose reverend mysteries, their Pulpits and holy Sacraments, and all the functions of the Ministry are by their connivence profaned by the *clouted shoe*; the *basest and lowest of the People* making themselves Priests, and with a *blind distempered zeal* Preaching such Doctrine as their private spirits (spirits of illusion) dictate to them; But let them know, that their burning zeal without knowledge, is like Hell fire without light. Yet the greatest wonder of all is, That they suffer the Lords supper (that Sacrament of Corroboration) to be so much neglected in almost all the Churches in the Kingdom: Is it because men usually before they receive our Saviour (that blessed guest) sweep the house clean, casting out of their hearts (those living Temples of the holy Ghost) Pride, Ambition, Covetousnesse, Envy, Hatred, Malice, and all other unclean Spirits to make fit room to entertain Jesus, that Prince of Peace, whereby the people having their minds prepared for Peace, Charity and Reconciliation, may happily spoil the trade of our *Grandeers*, who can no longer maintain their usurped dominion over them, than they can keep them dis-united with quarrels and feuds, and uphold those badges of factions, and rearms of distinctions and separations, *Cavaliers, Roundheads, Malignants, well-affected, Presbyterians, and Independents*? or is it because they fear, if the Church were settled in peace and unity, it would be a mean to unite the *Common-wealth*, as a quiet cheerfull mind often cures a distempered body? I will not take upon me to judge another mans Servant; but many suspect this is done out of design, not out of peevishnesse.

3. That these *Grandeers* govern by power, not by love, and the *Laws of the Land*, (which was my last assertion) appears by,

1. The many Garrisons they keep up, and numerous Army they keep in pay to over-power the whole Kingdom, more than at first the Parliament Voted, all in the hands of Sectaries.

2. Their compelling the Parliament to put the the whole *Militia of England and Ireland* by Land and by Sea, in the power of Sir *Thomas Fairfax* and their party, together with all Garrisons.

2. They have subverted the Church.

The Sacrament of the Lords Supper discontinued, and why?

3. The *Grandeers* rule by the arbitrary power of the Sword, not by the *Laws*.

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3. Nor do they think the *Laws* of the Land extensive enough for their purposes; therefore they piece them out with Arbitrary Ordinances, impeachments before the Lords, and Marshall Law, which is now grown to that height, that the Council of War, General, and Judge advocate of the Army do usually send forth Injunctions to stay Sutes, and release judgements at Law, or else to attend the Council of War wheresoever they sit, to shew cause to the contrary; and when Lieutenant Colonel Lilburn was ordered to be brought to the Kings-Bench-Bar, upon his *habeas Corpus*, Easter Term, 1648. *Cromwel* sent word to the Lieutenant of the *Tower* not to bring him; and *Cromwel* was obeyed, not the Judges. Thus the *Laws of the Land* are daily baffled, that men may be accustomed to arbitrary Government, and those actions which no *Law of the Land* calls a *Crime*, may be interpreted *Treason* when our *Grandees* please to have it so.

4. Their allowing money to some *Committees* to reward Informers, Spies and Intelligencers, to betray even their nearest friends and relations.

5. Their holding *Honest, Generous, and Grave men* in suspicion, and making the *Houses of Parliament* and *Army* snares to them, expelling them with false and extrajudicial Accusations.

6. Their owning dishonest, base-minded men, that have cheated the State, as instruments fit to be confided in, and associate with them in time of danger.

7. Their impoverishing the people with confused Taxes, decay of Trade, and obstructing of the Mint, and thereby breaking their spirits.

8. Their changing and dividing the Militia of London purposefully to weaken it.

9. Their not restoring to the Counties their Militia, and trusting them to defend their own houses as formerly.

10. Their nourishing Factions in the Common-wealth, Schisms in the Church.

11. Expelling learned Divines to let in ignorant men. All these are tyrannical policies grounded upon the old principle, That a Tyrant should deprive his Subjects of all things that may nourish courage, strength, knowledge, mutual confidence and charity amongst them; which Maxim the Politicians say contains the whole Systeme or method of Tyrannical Government.

4. As this encroaching Faction have usurped all the Military and Civil power of both Kingdoms; so they have monopolized all the great Offices, rich Employments, and Treasure of the Land; they are clearly the predominant party in all Money Committees; they give daily to one another for pretended Services, Arrears, and Losses, great sums of money; many of their Largesses I have already set down. They gave lately to Col. Hammond Governour of the Isle of Wight, for his Table 20l. a Week, 1000l. in money, and 500l. a year land; to Major General Skippon 1000l. per annum land of Inheritance; to Colonel Mitton 5000l. in money; Prideaux hath 100l. a Week benefit by the Post-Masters place; his whole Estate (before this Parliament) was hardly worth a 100l. nor is he eminent for any thing but impudence and arrogance. Mr. Rowe hath Eaton College, worth 800l. per annum, and a Lease of that College worth 600l. per annum, Sir William Alanfon the Hamper-Office, and Crab Castle worth 600l. per annum, bravely wooded: Alder. Hoyl of York, the Treasurers Remembrancers Office: Mr. Sallaway a poor Grocer, the Kings Remembrancers Office; neither of which, are able to read any one Record in those Offices. Tho. Scot, Lambeth-house: Sir Wil. Brereton, Croyden-house. Col. Harvy, Fulham and Norwich-houses. Mr. Lisle the Maltership of St. Crosses: Dennis Bonds 3 Sons, each of them a Place worth 500l. a year, besides many others. All the cheating, covetous, ambitious persons of the Land, are united together under the name and title of *The Godly, the Saints, &c.* and share the fat of the Land between them, few of them pay any Taxes; but all the Land payes Tribute to them.

It is thought this Faction, their under-Agents and Factors have cost this Commonwealth above 20 millions never laid forth in any publick service; nay, the Treasurers and Publicans of this Faction have clipped and washed most of the Money that comes into their fingers before they pay it forth, knowing that any money that comes out of their fingers will be accepted: two Gold-smiths are thought to be dealers this way, yet they lay the blame on the Scottish Army, as the Cuckow lays her brood in other Nests.

5. Having thus impeded their wings for flight, they have provided themselves of places of retreat in case they cannot make good their standing in England: Ireland is kept unprovided for, that they may find room in it when necessity drives them thither. If

4. The Independents divide the Taxes, Spoils, and preferments of the land between them.

5. The Independents provided of places of retreat to flee their to.

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their hopes fail in *Ireland*, they have *New-England*, *Bermudas*, *Barbados*, the *Caribby Isles*, the *Isle of Providence*, *Eleutheria*, *Lygonia*, and other places to retreat to, and lay up the spoils of *England* in : nay they usually send chests and vessels with money, plate and goods beyond Sea, with passes from the two *Speakers* to let them passe without searching : the *Navy* is in their power to accommodate their flight, and by their instruments called *Spirits*, they have taken up many Children and sent them before to be *Slaves* and *drudges* to the *Godly* in their *schismatical Plantations*, as the *Turk* takes up *Tribute Children* from the *Christians* to furnish his *nursery* of *Janisaries* ; and so they have their *Agents* that buy up all the *Gold* they can get, *Cromwell* not long since offered 11000*l.* in silver for the 1000*l.* in gold ; besides he is well furnished with the *Kings Jewels* taken in his *Cabinet at Naseby* ; many of them known Jewels, as the *Harry* and the *Elizabeth*.

6.
The vulgar
Independents
but props and
properties to
the *Grandees*.

6. Nor shall the vulgar sort of *Independents* either in *Parliament*, *Army*, or *City*, fare better than the rest of the *Kingdom*. The *Grandees* both of *Parliament*, and *Army* endeavouring to adjourn the *Parliament*, and draw all the power of both Houses into the *Committee of Derby-house*, consisting but of 30. or 40. the rest of the *Independent Members* will find their power dissolved in the *Adjournment*, and swallowed up by that *Committee*, and their services forgotten ; nor shall they have any power in the *Militia*, which is the only quarrel between them and the *King* ; the *Grandees* disdaining to have so many Partners in that which they have got by their own wits ; for know, that the *Grandees* have always been winnowing the *Parliament*. First, they winnowed out the moderate men, under the notion of the *Kings party*, then the *Presbyterians*, and now they will winnow forth the lighter and more chaffy sort of *Independents*, who stand for the *Liberty of the People* ; a thing which *Cromwell* now calleth, *A fancy not to be engaged for* ; and so they will bring all power into their own hands. Thus having contracted the *Parliament* into a *Committee of safety*, they will adjourn themselves (though the *Parliament* cannot) to *Oxford* or some other place which they more confide in than *London* : and this is the settling the *Kingdom* without the *King*, they so much aim at ; and which, they had rather the people should be brought practically and by insensible degrees, than by *Declarations* held forth to them before-hand, or
by

by *pollick Lectures* in the *Pulpit*. Thus it is decreed, that this *Cabal of Godly men* at *Derby-house* shall with *military Aristocracy*, or rather *Oligarchy*, rule this *Nation* with a *rod of Iron*, and break them in pieces like a *Potters Vessel*.

Observe, that the *Ordinance* by which the *Committee* of *Derby-house* is revived, and the addition of *Power* to it, are purposely penned in such ambiguous terms, that *He that hath the Sword in his hands may make what construction of them he pleaseth*: neither were they clearly penned, Is it in the power of the *Houses* (being but the *Trustees* of the people) to transfer or delegate their trust to a lesser number of men? a trust not being transferrable by *Law*, and the people having chosen a *Parliament*, not a *Committee*, to look to their safety and peace.

7. The *Grandeess* of the *Parliament* and *Army* have brought the *Kingdom* to so miserable a condition, that they have left no *Authority* in *England* able to settle peace: The *KING* is a close *Prisoner* to the *Army*, therefore all he shall do will be clearly void in *Law*, by reason of *Dures*: The *Parliament* is in *Wardship* to them, who keep armed *Guards* upon them, *Garrisons* round about them, and by illegal *Accusations*, *Blank Impeachments*, threatening *Remonstrances*, and *Declarations*, &c. fright away many *Members*, and compell the rest to *Vote* and un-*Vote* what they please, whereby all the *Parliament* doth is void and null in *Law* *ab initio*, it being no free *Parliament*, but a *Sub-committee* to the *Army*, and living as the *Egyptians* did, under *vassalage* to their own *Mameluchi*, or *Mercenaries*: The people therefore must resolve either to have *no Army*, or *no Peace*.

7.
The Army
hinder Peace
and Settlement.

8. They have put out the eyes of the *Kingdom*, the two *Universities* of *Oxford* and *Cambridge*, and have brought the whole *Land* to make sport before them; knowing that *Learning* and *Religion*, as well as *Laws* and *Liberties*, are enemies to their barbarous, irrational, and *Russian* way of *Government*.

8.
The two Universities
destr oyed:

9. Many honest men took part with this *Parliament*, seduced by those fair pretences of *defending Religion*, *Laws* and *Liberties* which they first held forth to the *People*; and being unwilling to have a *Parliament* conquered by the *Sword*, not thinking it possible that a *prevailing Faction* in *Parliament* should so far prevaricate as to conspire to enslave *King*, *Parliament*, and *Kingdom*, to subvert the *Laws Liberties*, and *fundamental Government* of the *Land*, under

9.
Many honest
men seduced
by fair pretences,
took part
with them; never
intending
to leave their
first principles,
and enslave
King, and
Kingdom.

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under which they and their Posterity were, and were likely to be so happily governed; and betray Religion unto Hereticks and Schismatics, and share the spoils of the Commonwealth between them, and think of enriching themselves with them in forein Lands, yet many at the beginning much disliked, that Religion should be used an as ingredient to the carrying on of a Civil War, and that Schismatics should have so great a stroak in managing the business; yet were pacified with this consideration, that we must refuse no helps in our defence: if a man be assaulted by Thieves on the high-way, he will not refuse to joyn with Schismatics or Turks in a common defence; the same authority that then countenanced those Schismatics (it was hoped) would be able to discountenance them again when the work was done. But the *Grandees* of the Houses, (having other designs) had so often purged the Houses, that they left few honest moderate men in them to oppose their projects; still bringing in Schismatics, and men of their own interests, by enforced and undue Elections, into their rooms, and so by insensible degrees, new modelled the House suitable to their own corrupt desires, and new modelled the Army accordingly; so that the people (who had no intention to be interested so far) were step by step so far engaged before they were aware, that they could not draw their feet back, and do now find (to their grief) that the Bit is in their mouths, the Saddle fast girt on their galled backs, and these Rank riders mounted, who will spur them (not only out of their Estates, Laws, and Liberties, but) into Hell with renewed Treasons, new Oathes, Covenants and Engagements, if they take not the more heed and be not the more resolute: they have changed their old honest principles, and their old friends, who bore the first brunt of the business, and have taken new principles and friends in their room, suitable to their present desperate designs, and now (that they have squeezed what they can out of the Kings party) they think of sequestering their old friends because they adhere to their old principles.

10.
Who are the
Kings bitter-
est enemies.

10. Amongst those that are most bitter against the King, His own Servants (especially the *Judasses* of the Committee of the Revenue, that carry His purse, and have fingered more of His Money and Goods than they can or dare give an account for) are the greatest Zealots, those that take upon them employments about His Revenue, and share what allowances to themselves they please for

for their pains; those that buy in for trifles old sleeping Penſions, that have not been payed nor allowed this thirty years, and pay themselves all arrears; those that Rent parcels of the Kings Revenue, for the eighth or tenth part of the worth, as *Cor. Holland*, who renteth for 200l. *per ann.* as much of his Estate as is worth 1600l. or 1800l. *per annum.* Thus you see the *Lion* (Lord of the Forest) growing *sick and weak*, become a prey, and is *goaded* by the *Ox*, *bitten* by the *Dog*, yea, and *kicked* by the *Aſe*. Look upon this *president* you *Kings* and *Princes*, and call to mind examples of old, that of *Nebuchadnezzar*, and others, *left by exalting your selves too high, you provoke God to cast you too low.*

When the *Grandee Independents* have a desire to raise new forces, or erect new *Garrisons*, or use any *extremity* against the *City*, or *Royal party*, they commonly usher in their design with reporting to the House the discovery of *some new-invented conspiracy*, or *plot full of danger and destruction*; such as was that of *many thousand consecrated Knives*, and then propound their own forelaid design as a counsellable way to prevent it; and he that doth not *hastily believe their Informations*, or doth *argue against the remedies they propound*, (though he shew never so great inconveniency in them) is presently cried out upon as a *Malignant*, that *doth not take the danger of the Parliament to heart*, and branded by the *black tongues of the Godly*; and when any *great business* is to be *treated of in Parliament*, or *City*, which they either *desire to promote*, or to *obstruct*, they commonly publish *counterfeit News*, and *Letters of great victories and successes* gotten by their *Party* in parts so remote that they cannot in a short time be confuted; this serves to *credit* and *animate their Party* to go on *boldly with their worke*, and to *dishearten their Opponents*; and though the profit and reputation of a lie is seldom long-lived, yet if it last some few dayes, untill they have carried on their *present business*, they care not: herein they imitate a *skilfull Architektor*, who building an *Arch*, supports it in the beginning with *circular props*, and *pieces of Timber*, untill he hath closed it, and enabled it to support it self, and then throws away the *props*.

When they have a design to *ruine any man*, before they fall openly upon his *person*, they *secretly undermine his credit and reputation*, that afterwards they may *oppress him with applause*, and they are so excellently well fitted with *Agents* and *Instruments* for this purpose, that they can *prove what they list*. The *close Committee*

II.
Forged Conspiracies and
false News.

II.
The Art of
Slander and
Calumny.

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missee of Examinations is an excellent forge for these contrivances; they know where to find the *Sonnes of Belial* (now commonly called *Knights of the Post*) who will trust God with their souls to advance the good Cause; they have secret Examinations of several sorts, some preparatory only, amounting but to suspicions and presumption; to wound a mans good name, and make him liable to more deadly blows hereafter; and some consummatory, laying the Axe to the root at the first blow: nor is it a small Artifice of theirs boldly to accuse other men of those crimes they themselves are guilty of, as they did the 11. Members of trucking with the King, being their own fault; by this means it doth constare de re presently, it appears such offences are committed: and if they can but fix them upon the persons of other men by bold Accusations, close Examinations, and false Witnesses, then constas de persona, they have found men to personate them, deputies to bear the ignominy and punishment of their sinnes: so some lascivious persons free themselves, bestowing their diseases upon others.

13.
What a Con-
fiding man is.

14.
The last Re-
treat and Re-
fuge of the
Godly.

They account no man a Godly, faithfull, confiding man, but he that engages as far in sin, and makes himself as hopeles of reconciliation, as themselves. *Quis nunc diligitur nisi conscius?*

Since the revols of some of their Ships hath almost made them hopeles of transportation to foreign Plantations, the schismatical Grandees have made Col. Walton (Brother-in-law to Cromwel) Governour of Lyn, Boston, and Crowland, and of all that level of morasse Ground in the Isles of Ely, Holland, and Marshland, which they can lay under water at pleasure: it is a plentifull and strong Fastness, able to feed 40000. men, besides the ordinary Inhabitants; there are but three passes to enter it, over three Bridges, upon which they have, or may build Forts, for their defence, and may from thence invade the adjacent Country at pleasure, being themselves free from incursions; or they may (if they list) break down the said Bridges. These places (already strong by nature) they daily fortifie by art; for which purpose great sums of money have been sent to him, and much Arms, Powder, Ammunition, and Ordnance from Windsor Castle: Here (when all other helps fail) the Godly mean to take Sanctuary, this shall be their last retreat, from whence they will draw the whole Kingdom so Parly upon Articles of treaty, and enforce their peace from them at last. These are the stratagems of the Godly: These are our Saints, no where canonized but in the Devils Calendar.

As.

As the Church of Rome is never unfurnished with dormant Articles of Faith upon all emergent occasions; so the *Grandeas* are never unprovided of dormant Privileges of Parliament (which they call (by a new canting word) *lex Parliamenti*, in opposition to *lex Terra*) with these they bousther out their designs. These Privileges were much insisted on in their Impeachments of the Members and Aldermen; and whosoever pleads against them in his own defence, and flies from those Privileges to the known Laws for Sanctuary, is cried out upon for overthrowing the Jurisdiction and Privileges of Parliament, and therefore guilty of Malignancy; thus *John Lybburn* suffers: if he does not plead against them, he laies his head on the block at the mercy of those mercilesse men. This net caught many a Wood-cock, until the said Aldermen and Sir *John Maynard* broke through it, and spoiled the cock-road.

The *Grandeas* of the Parliament and Army have so totally subverted our fundamental Government and Laws, that they have neither Monarchy nor Common-wealth left; *non jam Respublica sed magnum latrocinium est*, we have not so much as a face and shadow of Government remaining; we have a KING *de jure*, but so wholly eclipsed and disabled to perform Acts of Government by his close imprisonment, that (for the present) we have no King *de facto*, and every man doth what seemeth good in his own eyes; we have Magistrates, Judges, and Justices *de facto*, but not being constituted and ordained by any lawfull Authority, nor under any authentical Great Seal according to the Laws of the Land, they are not Magistrates and Judges *de jure*, so that if we look upon the King our Supreme Governour, our violent *Grandeas* have brought an *Inter-regnum* upon us; If upon our Magistrates, Judges, &c. they have brought a *Justitium* (a totall eclipse of Justice) upon us: It follows then, that both the imperative and coercive power of the King and Magistrates, the legislative power of the Parliament, the judicative power of the Judges and Justices, are all suspended and in *Abejance*: and like a Watch, when the principal wheels are broken, no part can move to perform its function. *Contzenius* the Jesuit in his *Pol.* saies, *He that will introduce a new Religion, or a new form of Government, must utterly abolish the old, and erect his new Fabrick upon the ruines of it.* You see they have been apt Scholars in this doctrine of the Jesuite this 7 years, which they have spent in Demolishing

15.
Supposititious Privileges of Parliament: see The History, sect. 105, 106.

16.
The confusion this Monarchy is brought unto: see The History, sect. 105, & 106.

molishing; but what form of Government our Grandees will erect upon the ruines they have made, doth not yet appear, nor how all just interests, and mens particular Estates shall be preserved from being buried under the ruines of this earthquake.

17.
The Regal
Legislative,
and Judicial
power
usurped.

The King is the only supreme Governour of this Realm of *England*, to regulate and protect the people by commanding the Laws to be observed and executed, and to this end He (and He alone) beareth not the Sword in vain; yet the KING by himself can neither make, repeal, or alter any one Law, without the concurrence of both Houses of Parliament, the *Legislative power* residing in all three, and not in any one, or two of the three Estates, without the third, and therefore no one or two of them can exclude the other from having a *Negative voice* in passing, repealing, or changing of Laws; nor can the King by himself, or jointly with the Lords and Commons judge *what the Law is*, this is the office of the sworn Judges of the two Benches and Exchequer, who are the known Expositors, and Dispensers of *Law and Justice* in all causes brought before them, yea they do declare by *what Law the King governs*, thereby keeping the KING from governing arbitrarily and enslaving the People. And these Judges of the Law have always been authorized by the King; and all legal proceedings have been in his Name, and by his Authority 1200 years before *Magna Charta* granted, or any set form of Parliament established. The Law it self is called, *the Kings Law*; the Realm, *the Kings Realm*. He is the fountain of *justice, mercy, honour*, witness all our Statues, Law-Books and Histories, and the Oaths of Supremacy, which every Member taketh before he sits in Parliament. Now for any one man, or any Assembly, Court, or Corporation of men (be it the two Houses of Parliament) to usurp these three powers, 1. The *Governing power*, 2. The *Legislative power*, 3. And the *Judicative power*, into themselves, is to make themselves the highest Tyrants, and the people the basest slaves in the world; for to govern supremely by a Law made, and interpreted by themselves according to their own pleasure, what can be more boundlesse and arbitrary? they may put to death whom they please for what cause they please, and confiscate his estate to their own use; yet this the two Houses of Parliament, or rather an overpowering party in the two Houses, seasoned with a Schismatical humour of singularity, have lately done.

1. For the *Governing power*. 1. They coyn, enhance, and abate money. 2. They make War and peace, and continue an extraordinary Militia of an Army upon us. 3. They declare who are Enemies to the Realm. 4. They maintain forein negotiations. 5. They regulate matter of Trade, and exercise other Regalities: whereas all *Jura Regalia* belong only to the King as Supreme Governour.

2. For the *Legislative power*. They exclude the King from his Negative Voice, and the two Houses obtrude their Ordinances (things so new, that they are not pleadable in any Court of Justice) as Laws upon the people; laying an excise, Assessments, and Taxes upon the People: They Vote and declare new-Treasons, not known by the statute 25 *Edw.* 3. nor by any other known Law; yea even to make or receive any addresse to, or from the King; and they account it a breach of Privilege, if men do not believe it to be Treason, being once declared. They out men of their free-holds, and imprison their Persons, contrary to *Magna Charta*, by Ordinances of Sequestration, &c.

3. For the *Judicative power*. They erect infinite many of new Judicatories under them, as their Committees of complaints, of secret Examinations, of Indempnities; their Country Committees, where busineses are examined, heard, and determined without, nay against *Magna Charta*, and the known Laws: nay even in capital crimes they wave the Courts of Law, and all Legal proceedings by Outlawry, Indictment, or Tryal by Peers, and *Bill of Attainder*; (which is the only way of Tryal in Parliament: For the Parliament cannot judicially determine any thing, but by Act of Parliament) and set up new-invented forms of proceeding before the Lords (even against free Commoners, although the Lords be nor their Peers) as in the case of the four Aldermen, &c. and the *Arch-bishop of Canterbury*: They defend these doings by a pretended necessity of their own making: but when the King had neither Army nor Garrison in the Kingdom, and thereby this necessity was removed, why did they not (to prevent Tumults, Insurrections, and a new war) content the People, and return all things into their old Chancel, and restore to the people their Religion, Laws, and Liberties, being their first principles, for which they engaged them to spend their blood and treasure, and for defence whereof, they engaged themselves and us in a Covenant, with Hands lifted up to the High God? Why did

did they then provoke the Scots to a new War? but that they might have occasion to keep up their Army still, and intrall the Kingdom: look upon their Doctrine, as well as their aforesaid practices, and you will find that all they do, is but to carry on a fore-laid design, to lay by the King and enslave the People, under the new erected Kingdom of the Saints: the Grandees of *Derby-house* and the Army. In the Declaration against the *Scots Papers*, p. 67. They have adjudged the King unfit to Govern, and p. 70. they say, the power of the Militia was the principal cause of their War, and quarrel with the King; and in their Declaration against the King, they say, they cannot confide in Him. It hath been commonly spoken in the House of Commons, that the two Houses, nay, the House of Commons alone, is the Supreme power of this Nation under God. 16. *Mach*, 1642. Both Houses Voted it a High Breach of Privilege of Parliament, for any Person, (not excepting King or Judge) to oppose their Commands, or to deny that to be Law, which the two Houses declared to be so. In their Declaration against the *Scots Papers*, p. 63. The Members say, That in all matters either concerning Church or State, we have no Judge upon Earth but themselves. Who will account the *Popes* plenitude of power monstrous hereafter, that shall observe this Doctrine and practice of Subjects in Parliaments, claiming and exercising a Supreme Government, (whereof the Militia is a part) a Legislative and Judicative power over the Consciences, Lives, Liberties, and estates of their Fellow Subjects; And all this under colour of a necessity, raised by themselves out of a dispute they set on foot against the King, which they have affirmatively adjudged and determine for themselves against Him, without consulting the Laws, Statues, and usages of the Realm; Nay, the very Oaths of Supremacy and Allegiance, which all with one voice speak against them? Who would think that a faction in Parliament, or any pest lesse than an Earth-quake or Deluge should in seven years time reduce so well-formed a Common-wealth into such a *Chaos*? Yet even now the People are promised to be governed by the known Laws, and Judges are appointed to determine sures according to the Laws. Surely, There never was Tyrant that deprived his Vassils of a known Law amongst themselves, this were to disable them to acquire wealth, and so lose his own benefit of Taxes and Confiscations. By the Laws of *England*, a villain was protected in his goods against all

all men, his Lord excepted: The *Turkish* Vassals heap up much wealth, and are protected against their fellow slaves, though not against their Grand Seigneur who may seize their estates, and take their lives at pleasure: And this is all the protection the people of *England* have now by the Laws. We have the benefit of Law one against another, (unless some Powerfull Member interpose) but against the two Houses, or either of them, or any Grandee, what Law, what Justice can protect our lives, liberties or estates? and yet we were allowed heretofore to make our defence in Law against the King. And until the King be again restored to his Right, expect no better Right to be done you by this heedless head-strong Faction in Parliament.

The summe of all their endeavours is no more but this; The Grandees of *Derby-house* and the Army have already by their Votes of *No Addresses*, and their scandalous Declaration, *laid by the King, and in Him Monarchy*, (notwithstanding they delay and fool the people with tedious debates of a Personall Treaty,) And when this innovation is digested by the people, their next step will be to make use of the Schismatical, Antimonarchical party in the House of Commons, Army and City, to cast off the House of Peers, as Prerogative creatures and rags of Royalty: (some Schismatical Plebeian Lords excepted, who shall recruit the Power they lose in the House of Lords, by being of the Committee of *Derby-house*) and when the people are well inured to this change, and the grievance of it worn out by custom, then to lay by the House of Commons, and usurp the full Power of the King and Parliament into the Committee of safety at *Derby-house*, who by way of preparation, doe already stile themselves in all forein Negotiations, The STATES: Nay they doe already act all matters of moment at home, and assume unto themselves all the properties of a State, the Parliament being but a Sub-Committee to them, upon whom they put what Impositions and Injunctions they please; witnesse the design put upon the House of Commons for every Member to subscribe what number of Horse he would maintain for a Guard; I know not whether to the Parliament, or to the Committee of *Derby-house*.

This disease being now come to its Crisis, it is no hard matter to pronosticar, That nature (that is, the King, our natural liege Lord) must inevitably prevail at last against this Antimonarchical Faction, for these reasons.

r. The

18.
The final
scope of the
Grandees en-
deavours.

19.
The Progn-
stick of this
Disease.

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1. The King can never want a Party : the Parliament (or rather Antimonarchical faction in Parliament) can never manage a party without faction and confusion.

2. The King may husband his treasure to His best advantage : the faction in Parliament cannot, but must necessarily be cheated ; that they may be followed and befriended : since only common crimes, and common profit glues and cements them together ; and only such are found to be confiding men to them.

3. The King is now discovered, (to every common capacity) to have all the known Laws on His side : the Parliament all known Laws against them, and the people will no longer be governed without Law, by new Arbitrary inventions.

4. The King hath recovered all the peoples affections : the Parliament hath lost them ; a privation which can never be reduced into habit again.

5. The King is allied both in Consanguinity of Blood, and affinity of Cause with all the Princes of Christendom : the faction in Parliament are *terra filii, faueruli Gigantum*, Mulhromes.

6. The Kings Army will obey Him and His Interest : the Parliaments Army will command them and their Interests ; besides, they are men of different Principles and Interests, only held together by profit ; and when that fails, they fall in sunder.

Nothing therefore but a free *Personal Treaty* in London can prevent a Conquest, whatsoever desperate forlorn people say to the contrary.

*The Epilogue.*

I Am not Ignorant that there is a natural purging, a natural phlebotomy, belonging to Politique, as well as to Natural bodies ; and that some good humors are always evacuated with the bad ; yet I cannot but deplore what I have observed, That the honestest and justest men on both sides (such as, if they have done evil, did it because they thought it good ; such as were carried aside with specious pretences, and many of them seduced by Pulpit-devils, who transformed themselves into Angels of light) have always fared worse than other men,

men, as if this difference between the King and Parliament were but a syncretismus or illusion against honest men: nay, I do further foresee, that in the period and closing up of this Tragedy, they will fare worst of all, because they have not taken a liberty to enrich themselves with publique spoils, and sat themselves by eating out the bowels of their mother, but are grown lean and poor by their integrity; whereby being disabled to buy friendship in the dayes of Trouble, they will be put upon it to pay other mens reckonings. When Verres was Prator of Sicily, he had with wonderfull corruptions pillaged that Province; and at the same time the Prator of Sardinia being sentenced for depeculating and Robbing that Province, Timarchides, Verres Correspondent at Rome, writ a very anxious Letter to him, giving him warning of it: But Verres in a jolly humour answered him, That the Prator of Sardinia was a fool, and had extorted no more from the Sardinians than would serve his own turn; but himself had gathered up such rich booties amongst the Sicilians, that the very overplus thereof would dazle the eyes of the Senate, and blind them so, that they should not see his faults: Such (I foresee) will be the lot of the more just and modest men, who shall be guilty because they were fools, as the other sort shall be innocent because they were knaves. Whatsoever befalls (you clear and innoxious soules) be not ashamed, be not affraid of your integrity: if this Kingdom be a fit habitation for honest men, God will provide you a habitation here: if it be not capable of honesty, God will take you away from the evils to come, and pour out all the Vials of his wrath on this totally and universally corrupted Nation, this incurable people, Qui nec vitia sua nec eorum remedia ferre potest: for my own part, (if I am not such already) I hope God will make me such a man, Quem neque pauperies, neque mors, neque vincula terrent; And if Moses in an heroick zeal, to draw a remission of the peoples sin from God, desired to be blotted out of his Book, (the Book of Life) and St. Paul to be Anathema for his Brethren; why should not I (with relation to my self, and submission to Christ) say, oportet unum mori pro populo, it is fit one man die for the people, and devote my self to death for my Country, as the family of the Decii in ancient Rome were wont to do? I have read and admired their examples, why not imitate them? is it because (as Machiavel saith) The Christian Religion doth too much break, enfeeble, and cowardise the spirit of man, by persecuting and subduing nature, by denying her due Liberty, and tying her to be more passive than active? At facere & pati fortia Romanum,

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imo Christianum est; or is it because in this generall deluge of sinne and corruption, a publique spirit, and excellency in virtue is accounted a degree of madness? or is it because of the corrupt judgement of these times, which makes a man more infamous for his punishment than for his sin? and therefore Heroick acts are out of fashion: the circumstances and ceremonies of Death are more taken notice of, than Death it self; these follies weigh not with me. Sublinis an humi putrescam, parvi refert. The Thief upon the Crosse found a ready way to Heaven, How much more an honest man? Many a man out of Prison steps into Heaven, no man out of Paradise ever found the way thither: Salebrosa fit via, modo certa modo expedita; altè succinctus ad iter me accingo.

THe Premises considered, I do here in the name and behalf of all the free Commons of *England* declare and protest, that there is no free nor legal *Parliament* sitting in *England*, but that the two Houses sit under a visible, actual and an horrid force of a mutinous *Army*, and of a small party of both Houses conspiring and engaged with the *Army*, to destroy, expell, and murder with false Accusations, and Blank and Illegal Impeachments and prosecutions, the rest of their fellow Members, who sate in *Parliament* doing their duty, when the two Speakers with a small company of Members, secretly fled away to the *Army*, and sate in Council with them, contriving how to enslave *King*, *Parliament*, *City*, and *Kingdom*, and how to raise Taxes at their pleasure, which they share amongst themselves and their party, under the name and title of the *Godly*, the *Saints*; and afterwards they brought the *Army* up to *London* against the *Parliament* and *City* in hostile manner, a design far exceeding the Plot of *Fermeine*, *Goring*, &c. to bring up the *Northern Army* to *London*, to over-awe the *Parliament*: I do farther protest, that the two Houses have sate under the said force, ever since the sixth of *August* 1647. and therefore all they have done, and all they shall do, in the condition they sit in, is void and null in Law, *ab initio*, by their own doctrine and judgement included in their Ordinance of the 20. of *August* last, whereby they null and void, *ab initio*, all Votes, Orders, &c. passed from the 26. *July*, 1647. to the 6. *August* following.

Argument.

Arguments against all accommodation and Treaties, between the City of LONDON, and the engaged Grandees of the Parliament and Army.

1 **I**T will never be safe nor honourable, for so great a City to accommodate and joyn interest with a conspiring Party, that by frequent violations of their faith and duty, have enslaved King, Parliament, City and Kingdom, and broken the Faith of this Nation, given to the Scots in the large Treaties, and in the National Covenant.

2. By accommodating with them, you make all their crimes your own, their subtilty being to involve you to joyn with them in defence of their crimes.

3. The Scottish quarrel is not against the English Nation, but against the treacherous and hypocritical Grandees, who by perjuring themselves, and falsifying their engagements both unto Kingdom and Army, keeping the Souldiers by false suggestions from disbanding, and totally obstructing Irelands relief; and also a conspiring party in Parliament, who keep them up to make good the aforesaid crimes, forcing what Votes they please to passe, by over-awing the Parliament: Witness Cromwells laying his hand upon his Sword, and forcing the House to passe those traitorous Votes against the King, contrary to their own Consciences, Allegiance, Protestations, Vow and Covenant, and to raise Taxes upon the people, which they share among themselves. This war is not like to be of any continuance, considering there being in the Army many conscientious men, who have had such ample experiment of the falshood of their Grand Officers, that they are not like to hazard their lives again under the command of such Grand Impostors as they are, also knowing the General hatred of the Kingdoms to them, under whose insupportable burthens and oppressions it groaneth. Nor have we any way to break the power of the said Grandees of this Army but by the Scots, whereby the just rights and Interests of all the three Kingdoms may be settled, and Ireland relieved; All which the Scots have declared in their former Papers delivered to both Houses of Parliament.

4. If you accommodate with this faction, you must have the same friends and foes with them, as well as the same sins and quarrels; and then it will grow to a Nationall quarrel between England and Scotland, which will be of long continuance and misery: and the Interest of the King and his Children, and of all Princes of Christendome concerned

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cerned in the example, will be carried on in the Kingdom of Scotland against you, if you joyn with those beggarly Grandees, who have enriched themselves, and their fellow-Impostors, by the ruines of the Kingdom. You will lose your credit and interests with your friends and brethren of Scotland; the only fear and terror of whose coming into England kept this Faction (which all men know is never satisfied with money and blood) from taking many of your innocent heads from off your shoulders, and confiscating your Estates to pay the arrears of the Army: witness their often speeches to this purpose in the house of Commons, and their illegal and violent proceedings against you: you will likewise lose all the people of England.

I have shewed you your losses, let me shew you your gains by this accommodation, that by comparing one with the other, you may cast up your account whether you shall be gainers or losers by it.

1. They offer you the Tower of London, and your Militia to be restored (things of no great consideration) and your Aldermen and Citizens to be set at liberty: they do not offer to disband their Army, which makes them Lord it over you, and over-power both Tower and Militia; and when they have divided you from all your friends, and destroyed your reputation, and are secure from the Scots, the same violence which at first took your Tower, your Militia and your most honest Citizens from you, can deprive you of them all again at pleasure, when you shall have none to stick by you: your obligation to them shall be of steel, theirs to you but of straw, he that gives me that he can deprive me of at pleasure, gives me nothing.

2. Cromwell and his party knew your City to be the entire strength of England. In Rich. 2. dayes (when it was not halfe so great and populous as now) it slew Wat Tyler and routed his rabble, six times as many in number as the Army. They therefore fear you, and consequently hate you, and labour nothing more than to divide and weaken you, which is their proper interest: For which purpose (to divide the City in it self) they caused the Parliament to change your Militia into other hands: they cut off Westminster, Southwark, and the Hamlets from your Militia, to weaken it; they have divided you from the Parliament, they have endeavoured to divide the Countrey from you, Ut dividendo singula imperent universis. Wherefore the Army in their Remonstrance 7. December 1647. Insolently demand Reparations from the City to the Countrey adjacent, for above 100000l. losse sustained through the Armies attendance on the Cities defaults; which was a device only to make the Countrey quarrel.

quarrell with the City, and to make the Army Umpiers.

3. Consider you shall joyn with them that never kept Faith longer than they may gain by it, whereof you have many examples. Any honest man may be deceived once, but he is a fool that will be deceived twice by one man.

4. Nay you cannot treat with these men, nor give them a Common Council, or Hall, without losse and danger: they have always made lies their refuge, and built their Designs upon the sandy foundations of Rumors and Fables.

Cromwel and Glover already give out, that they and you are as good as agreed, that you differ only upon a puntilio of honour, which will soon be reconciled: what is the meaning of this? but that they (having creatures of their own, Commissioners in Scotland) have advertisement to spread the same reports there, thereby to take off the edge of your friends affections; to lay an imputation of inconstancy upon you, and make you inconsiderable in the judgements of your best friends, and retard all indeavours for your succour. In the mean time, this party hath blocked up all passages to Scotland, that truth can have no access to you, and you have only such news as Derby-house doth please to impart to you. These men have committed those crimes that cannot be safe without committing greater: they must on headlong: go not with them for company; they desire to bestow their plague-sores upon others. Let it not trouble you, that the Parliament hath approved their subscription of the Engagement, with the Army; it was a Vote extorted in a thin house, many Members having been driven away by threats of the Army before, and there were many dissenting Members. A little patience and constancy will settle you in a lasting peace.

To petition the Houses to repeal their four Votes against the King, is to save their reputation, that seek to destroy yours.

A Seasonable Caution to the City of London.

Gentlemen of the City.

Your Neighbours of Kent, and other Countiees wishing well to them, take it unkindly, that (notwithstanding all these former admonitions) you should let down your chains, and give a free march to this bloody, cheating, schismatical Army at all hours of the night through your City, to cut their throats, and
lend;

lend them 6000l. to enable them to march: when they had no other design, but in a peaceable way to deliver a Petition to the Houses, demanding nothing but what the Parliament by their Declarations, Covenant, the Oaths of Supremacy and allegiance, and the known Laws of the Land ought to grant: Onely, being fore-warned by the inhumane assassination of the *Surrey* Petitioners, they had some men in Armes, a sufficient distance from the Town, to secure their Messengers. They have by their Letters to your selves and the Houses manifested the cleareness of their intentions to you all. They are known to be men of settled habitations and fortunes (for the most part) not vagabonds and Souldiers of Fortune like the Army. Their commerce with you help you both to trade and feed: whereas the Armies insolent march in triumph through your City, so far lessened your reputation ever since, that you constantly lose in your trading 200000l. a Week, and no Bullion comes into the Mint; whereby multitudes of you are undone, and yet the Armies Arrears, and all other Taxes are exacted from you with as much cruelty, as you lost nothing.

Remember that Butchery committed upon the unarmed Apprentices, when *Cromwel* cried to the Souldiers to *kill man, woman, and child, and fire the City*: at which time his Nose looked as prodigiously upon you as a Comet.

Remember the scorn put upon you by a Grandee when you were enabled to put up your Chains again; That the House had consented your Posts should have Chains as well as your Aldermen, and did as well deserve them. And *Weaver's* word when your Guards came to attend the House, *that 60 of the Army should beat 3000 of them.*

Remember how unwillingly and jugglingly they restored unto you the *Tower* (first plundered of all its ammunition you formerly had in it) and part only of your *Militia*, and that clogged with many restrictions: they that bestow gifts so grudgingly upon you when they are weak, will deprive you of them again when they are strong. Adversity makes them your false friends, Prosperity your real Enemies, Necessity only ties them to you: have a care therefore you do not relieve their necessities, lest you lose them; like the frozen Snake in the bosome, when they grow warm they will bite and sting.

You seem to have forgotten the unjust imprisonment of your Aldermen; the unfaithfulness and inconstancy of their Votes, and

and Ordinances, even for security of Money, and Land bought; the several Informations and Testimonies you had of their good intentions to borrow more of your Money, not by way of Loan, nor up on the Publique Faith, but by way of plunder. Notwithstanding all these injuries, and many more, (as if God had infuriated you, to destroy you) you suffer a corrupt Faction within you to Liss men (to the amazement of your neighbour Counties) whose principles you first examine; and if they be not *Independents*, you trust them not with Arms. I hear of a young man, who being asked, of *what principles he was?* he answered, *That in these doubtfull times he professed no principles but gain:* to whom was replied, *then we are of one principle, for we are resolved to keep what we have got.* Behold the Principle of these men that obstruct our peace! consider that Heaven and Earth have denounced war against these men, and that God himself hath touched the hearts of all men as one man to rise against them, and demand to have Peace, Religion, and Justice restored. When the whole Kingdom shall rise in a flame, what will be your lot, but smoak in your eyes, and at last a consuming fire in your bowels? when you only shall be left to maintain this domineering Army with your money, and to recruit them with your blood? many of their Officers say already, *That the Country is exhausted of Money, and you shall be their purse-bearers:* but because you are a curst Cow, they must keep the Army about you, that the Souldiers may hold you by the *horns* whilst their friends milk you.

Consider how absolute a necessity, and how general a resolution there is, that all things should return to their old channel: If you stop the violence of this Torrent, it will swell untill it overwhelm and drown you. You that are guiltless, joyn not with the guilty; you that are guilty sin no more; there will be mercy for you if you repent, and amend in time. The very multitude of offenders will hel, to excuse your offences; let not despair hinder you from one sin to another untill you fall into destruction, as *Judas*, whose Despair (by all Divines) is held to be a greater impiety than his Treachery; by the first, he sinned against the God-head of Christ, by the second against his Manhood only.

The Remonstrance and Declaration of the Knights,
Esquires, Gentlemen, and Freeholders in
COLCHESTER.

PEtitions (the birth-right of Subjects) are by Law our addresses to our King, (Gods Vicegerent) by custom our approaches to the Houses of Parliament, (His Majesties great Council,) by them we used humbly to present our modest desires, and were wont to receive answers (as Gideons fleece the dew) without noise, yet satisfactory; but that was denied our first Petition, and before our second could be ready, our brethren of Surrey by theirs echoed our prayer to both Houses of Parliament, but received their answer, (as the Jews their Law) in thunder and lightning, a two-edged sword the tongue, and the report of Muskets the voice, which spake nothing but wounds and death.

We therefore thus admonished, resolved thus to present our grievances to the World, and our Petitions to Heaven, for a blessing upon our intended indeavours.

Our grievances are these:

1. First, the distraction and threatened ruine of our glorious Protestant Church, the neglect and abuse of Religion, the destruction of our Universities (the Springs of all Learning; Divine and Humane) occasioned by the fierce and ignorant Separatists, set up and maintained as Rulers both in Church and State, by the prevalency and violence of a rebellious and destructive Army, under the command of the L. Fairfax, and countenanced by the seeming Authority of a past, unfree, and over-awed House of Parliament.

2. Next, that contrary to the Oath and duty of Allegiance (from which no power can, nor yet hath pretended to absolve us) our Sovereign Lord the King is by the design of the said Army, drawn from His House at Hampton Court to the Isle of Wight, and there by the power of Col. Hammond and others of the Army imprisoned, and detained from His Parliament; by which act the said Hammond, and all adhering to him, are according to the Votes passed in both Houses, 16. March, 1641. Enemies to the peace of the Kingdom.

3. A third, is the violent and unchristian separation of the King, His Royal Consort and Children, at once depriving His Majesty of the two first blessings bestowed on Man,

4. The

4. *The forcing the Queen and Prince of Wales, to seek in a foreign Nation, what in their own they could not enjoy, liberty, safety, and support.*

5. *The exercise of Martial Law while the Courts of Justice are open, and sitting at Westminster, the obstructing justice in our Courts of Judicature, and by the private Committee of Indemnity perverting judgment, and exercising arbitrary power, which is a subversion of our ancient Laws, and an introducing of a tyrannical government, as was resolved by both Houses in the Cases of the E. of Strafford, and Archb. of Canterbury, and writ in their blood.*

6. *Sixty, the present mischief and future danger to the whole Kingdom, by reason that the publique affairs of highest concern, are managed and carried on by a few particular men in a private Committee at Derby-house, wherein (contrary to the self-denying Ordinance) the prime actors are chief Officers of the Army, and have by our unhappy differences, possest themselves of the most beneficial offices and employments of the Kingdom; and the other Places of profit and commodity, are by their design conferred on others, Members of the Army and Houses of Parliament, to purchase their compliance and Votes in all matters agitated in the Houses of Parliament: by reason whereof all motions for His Majesties return to his Parliament (the first step to our desired Peace) have been either totally rejected, or by them politickly delayed, because Peace would determine both their power and profit.*

7. *The Estates of Delinquents, the Lands of Bishops, Deans and Chapters, (designed by several Ordinances for discharge of publique Debts) are by the Houses and power of the Army shared and divided amongst themselves, while the publique debts be unsatisfied, the common Soldier unpaid, the maimed unrelieved, the Widows and Children of the slain unprovided for, and all left burdens to the Commonwealth.*

8. *That the Army consisting of mean, ignorant and illiterate men, (only gild with hypocrisie, divine and civil) under pretence of tender Consciences (the better to induce and tolerate all Heresies) have expelled and suppress all learned Orthodox Divines, and Church Government, and crying Liberty, Liberty, have subjeeted our Persons and Estates to arbitrary Law and tyranny; and by Rape embracing the Legislative power, cucko'ds the body Politick, giving Laws to the whole Kingdom, and yet by Petitions and Remonstrances*

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make both Houses father (as their own) the adulterous issue.

9. *That this Army assuming to themselves the modelling and settlement both of Church and State, at Windfor in April last, in their Council did consult these 3. Questions.*

First, Whether shall we joyn with the Levellers, and new model both Church and State?

Next, Whether with the moderate Parly, Treat, and receive the KING with more qualified and limited Power?

Thirdly, Whether Depose the KING, Dis-inherit the PRINCE, Crown the DUKE of YORK, and appoint a Protector?

The first was held to promise most of liberty and profit; but threatened greatest danger in effecting, and difficulty in continuing.

The second was said to be easiest obtained and continued, because nearest to the present frame and constitution already settled; but would bring them little of profit, and less of Sovereignty.

The third (like Benjamin, last in birth, but first in the Parents affections) was held not difficult to be acted, but to be maintained; for it would require both the expence of much blood and money, and the Kingdom to re-act York and Lancaster, under the names of Wales and York.

To this Lieut. Gen. Cromwel answered, It was the better, for that would necessitate the continuance of our Army, which secures our persons, will enforce our reasons, make just our demands, and facilitate their grant; For the blood, that will flow from the cheapveins of Common Souldiers, whereof England hath plenty, and we will not want; For the money, London is our bank, and from their Purse it shall drain to our Coffers.

Commissary Ireton, L. Gen. Cromwel's Son-in-law, said, The work was half done; for we have already Voted no Addresses to be made to the King, and Him guilty of crimes enough to Depose Him, and by Imprisoning His Person, have fitted Him for a private life, and by it taught the people that He is subject to the dispose of both Houses of Parliament, whole Ordinances are only powerful by our Swords, and therefore our Actions shall be legal by their Vote. Further, the Prince (said he) is link'd with his Father in crime, and therefore cannot be severed in punishment, he hath been General in a Western Army, warring
(as

(as his Father) against the Parliament, a crime that as it rendred the Father fit to be Deposed, so doth it the Son unfit to succeed in the Government. And that the descent of the Crown purge nor him, (as it did *Her. 7.*) let us in the Fathers life time Crown the *Duke of York*, now in our power, whose tender years have preserved him innocent, and presents him fitter for protection and our design, and should any blame our severity towards the King and Prince, others will commend our clemency towards the *Duke of York*.

Upon the result of this Council, *L. Gen. Cromwel* in the House of Commons, tells *Mr. Speaker*, That it was time to set on foot our great design, and that such as should not concur in Votes with us, be not continued of us.

The motion being mis-timed, and divers of his party absent, it was only wondred at by *Master Knightly*, and died with the words. The Scene now alters from Westminster to Carisbrook-Castle, and the King that could not be removed by Votes, must now by Poyson, the Actor *Col. Hammond*, *Major Rolfe*, &c. all Members of the Army: yet must we by cursed Excise that insensibly devours the poor, by insupportable Monthly Taxes that impoverish the rich, contrary to Law and our Allegiance, contrary to our Protestation and Covenant (inforced upon us) we must traiterously maintain and pay this Army that traiterously contrive and endeavour the deposal and murder of our Sovereign Lord the King, the subversion of our Protestant Church, our Fundamental and known Laws.

We therefore declare to the World, that God blessing us, we will with hazard of our lives and fortunes, disband and dissipate this Army, the Suppressors of the pure Protestant Religion, the Imprisoners, and would be the Murtherers of their Sovereign Lord the King, and grand Oppressors of the Common-wealth; then free from Imprisonment our said Sovereign, and him (God-willing) restore to his lawfull Government, just Rights, and Throne in Parliament; this done, we shall joyfully and readily, deposite our justly assumed Arms, and on our knees beg what his Majesty hath often most graciously offered, and will undoubtedly grant, his most Royal and gracious pardon to all his mis-led Subjects, will return to their Allegiance, and forward to bring the King back to his own house.

We therefore hereby earnestly desire and request all loyal and well-affected Subjects as well Members of both Houses of Parliament as

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others, to be herein aiding and assisting to us. First, by not recruiting the Forces of the Lord Fairfax. Next, by withdrawing all aid and assistance from his Army, by with-holding Excise and Monthly Taxes allotted for their pay and support, and to give us with their prayers such assistance as their Allegiance and opportunity shall advise; and we trust that the God that judgeth rightly will crown our loyal action with happy successe, and our successe with a glorious peace, which is heartily prayed for, and shall (God willing) be resolutely fought for by us, His Majesties loyal and faithfull Subjects in Colchester.



A List of the Names of the Members of the House of Commons, Observing which are Officers of the Army, contrary to the self-denying Ordinance: Together with such summes of Money, Offices and Lands, as they have given to themselves for service done and to be done, against the KING and Kingdom. Corrected and augmented.

Note, Reader, that such as have this mark[*]comming immediately before their Names, are Recruiters, illegally elected, by colour of the new Seal, the power of the Army, and voices of the Souldiers, and are unduly returned, and serve accordingly.

The first Century.

1. **W**illiam Lenthall, Speaker of the House of Commons worth 2000*l.* per an. besides rewards for courtesies; (not to say Bribes) Master of the Rolls, worth 3000*l.* per an. beside the sale of Offices: Chamberlain of *Chester* in the Earl of *Darbies* place, And until of late Chancellor of the Dutchey of *Lancaster*, worth 1230*l.* per an. and one of the Commissioners of their great Seal, worth 1500*l.* per an. and had 6000*l.* given him at one time by the House.

2. *Bulstrode Whitlock*, Commissioner of the great Seal, worth 1500*l.* per an. and had 2000*l.* given him out of Mr *George Minn's* estate.

3. *Edmund Prideaux*, formerly a Commissioner for the great Seal,

Seal, worth 1500*l. per an.* Now by Ordinance practices within the Bar, as one of the Kings Council; worth 500*l. per an.* and is Postmaster for all Inland Letters; worth 100*l.* every Tuesday night beside his supper, and it was thus got: The Lord *Stanhope*, the Postmasters and Carriers of *England* complained in Parliament, against Mr. *Wetherings* and others, touching the carrying of Letters, whereupon the benefit of foreign Letters were given to the Earl of *Warwick*; worth 5000*l. per an.* and the Inland Letters to Mr. *Prideaux*: good Parliament Justice.

4. *Roger Hill*, a Barrester of the Temple, in no practice, nor of a considerable estate, till this Parliament, hath now from the House the Bishop of *Winchesters* Mannor of *Taunton Dean*, being the best of *England*; and worth 1200*l. per an.* when the estates for lives determine.

5. *Humphrey Salway*, the Kings Remembrancer in Mr. *Fanshaws* place; worth 200*l. per an.*

6. *Francis Rous*, Provost of *Eaton*, in Dr. *Stewards* place; worth 600*l. per annum*, and hath got a College Lease worth 600*l. per annum*.

7. *John Lisle*, Barrester of the Temple, Master of *St. Crosses* in Dr. *Lewes* his place, being a place for a Divine; and worth 800*l. per annum*.

8. *Oliver St. John*, by Ordinance both Attorney and Solicitor to the King, worth what he please to make it; and hath the passing of all Pardons upon Commissions, worth 40000*l.*

9. Sir *William Allison*, Alderman of *York*, Clerk of the Hamper, worth 1000 *per an.* he hath *Crabb-Castle*; worth 600*l. per an.* Sometimes the Bishop of *Yorks* in *York-shire*.

10. *Thomas Hoile*, Alderman of *York*, Treasurers Remembrancer in the Exchequer, in Sir *Peter Osburns* place, worth 1200*l. per annum*.

11. *Thomas Pury Senior*, first a Weaver in *Glocester*, then an ignorant Countrey Solicitor, had 3000*l.* given him, and Mr. *Gerards* place in the Petty-bag, worth 400*l. per an.*

12. *Thomas Pury Junior*, Son to the Elder, Receiver of the Kings Rents in *Glocester* and *Wilts*, Clerk of the Peace of *Glocester-shire*, worth 200*l. per an.* and Captain of Foot and Horse, the first year of this Parliament, servant to Mr. *Towneshead*, an Attorney of *Staple Inn*.

13. *Williams*

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13. *William Ellis*, Steward of *Stepney*, worth 200*l. per an.* and by him sold to one of the Temple.

14. *Miles Corbet*, at the beginning of the Parliament 3000*l.* in debt for himself and his Mother, more than he was worth: now one of the Registers in Chancery, worth 700*l. per an.* besides Chai-man for scandalous Ministers, worth 1000*l. per an.* And hath money in his purse.

15. *John Goodwayne*, the other Register in Chancery, worth 700*l. per annum.*

16. Sir *Thomas Widdrington*, a Commissioner of the great Seal, worth 1500*l. per an.*

17. *Edward Bisbe*, Garter Herald, in Sir *Edward Walkers* place, worth 600*l. per an.*

18. * *Walter Strickland*, Agent in Holland for the two Houses of Parliament, worth to him 500*l.*

19. *Nicholas Love*, Mr. Speakers Chamber-fellow, one of the six Clerks in Chancery, in Mr. *Pennuddocks* place; worth 2000*l. per annum.*

20. Sir *Gilbert Gerrard*, much in debt before the Parliament, pay-master to the Army, and had 3*d. per pound* allowed, besides Gratuities, worth 6000*l.* and now Chancellor of the Dutchey, worth 1200*l. per an.*

21. *Gilbert Gerrard*, his second son, Clerk of the Dutchey, and for whose benefit the Clerk-ship of the Assize in *Norfolk*, is granted to Mr. *Edward Garret* his Cozen by the procurement of Sir *Gilbert*, and is worth 500*l. per an.*

22. *John Selden*, had given him 5000*l.* of which he received 2500*l. pound.*

23. * *John Bond*, (Son to *Dennis Bond*, a Parliament man) made Master of Trinity-Hall in *Cambridge*, which Mr. *Selden* refused to accept of.

24. Sir *Benjamin Rudiard*, given him 5000*l.* And hath he not deserved it?

25. * *Lucas Hodges*, Customer of *Bristol*.

26. Sir *John Hipsley*, hath the keeping of three of the Kings Parks, *Mary-bone-Park*, that was Mr. *Carewes*, *Hampton-Park*, and *Busby-Park*, and given him 2000*l.* in Money.

27. Sir *Thomas Walsingham*, the Honour of *Eltham*, that was the Earl of *Dorsets*, the middle-Park and house, which was Master

Whites

Whines, and hath cut down 4000. Timber Trees:

28. *Benjamine Valentine*, given him 5000l.

29. * *Sir Henry Heyman*, given him 5000l.

30. *Denzell Hollis*, given him 5000l.

31. * *Nath. Bacon*, given him 3000l.

32. * *John Steevens*, given him out of the Lord *Astley's* Composition 1000l.

33. * *Henry Smith*, made one of the six Clerks; worth 2000l. *per annum*.

34. *Robert Renolds*, had 2000l. given him; Besides *Abingdon-Hall*, and the Lands, worth 400l. *per annum*. Hath bought 'a good penny-worth of Bishops Lands, hath 20000l. beyond Sea, as he made appear upon his Mariage.

35. *Sir John Clotworthy*, Treasurer for *Ireland*, and by the Army charged with defrauding of the State of 40000l. which may be one reason the King could never get an Account of the monies raised for the *Irish*, though he desired it.

36. *John Ashe*, given him out of Mr. *John Coventry's* Composition 4000l. out of Sir *Edward Mosely's* 1000l. out of Mr. *Edw. Philips's* 1200l. out of Sir *John Powel's* estate 8000l. And (which is worth all this) is the great Chairman at Goldsmiths Hall. *Is not this better than cloathing?*

37. * *John Lenthall*, son to the Speaker, made one of the six Clerks, worth 2000l. *per annum*.

38. * *Francis Allen*, a poor Goldsmith at *St. Dunstons* in *Fleet-street*, now made a Customer for *London*. In honour of whom clipped moneys are called (*Allens*.)

39. *Giles Green*, the Reciver of *York-shire*, being put out of his place, got it for his Son-in-Law, is Chair-man for the Navy, and for Sir *Thomas Daws* his estate, and what it was worth to him, Sir *Thomas Daws* his Creditors will tell you; for they got nothing.

40. *Francis Pierpoint* hath the Arch-bishop of *York's* Lands, lying in *Nottingham-shire*.

41. *William Pierpoint* hath 7000l. given him, and all the Earl of *Kingston's* personal Estate, worth 40000l.

42. * *John Palmer*, Mr. of *All-Souls* in *Oxford*, in Doctor *Shelden's* place, a Divine.

43. * *John Blackeston*, a poor shop-keeper in *NewCastle*, was Exe-

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Executor to the Executor of Sir *John Fenner*, trusted with 6000*l.* for Charitable uses, and was sued in Chancery to perform the trust; but got himself returned a Burgess for *New-Castle* by the *Scots* Garrison there; had 3000*l.* given him out of one Gentlemans Composition, and out of others as much as made it up 12000*l.* as was made appear at a Committee before Mr. *Sandis* of the Temple Chair-man; hath also a Cole-meeter's place worth 200*l.* per annum, and the Bishop of *Durham's* Castle at *Durham*, and Lands of great value.

44. *Tho. Ceely*, long a Prisoner for debt, helped out by the Parliament, and made Recorder of *Bridgewater*.

45. * *Thomas Moor*, an Officer in the Custom-house, and his brother Governor of *Ludlow*.

46. * *Scawine*, given him 2000*l.*

47. *Isaac Pennington*, twice broke; once Lieutenant of the Tower; a year and a half Lord Mayor of *London* before his time; had 7000*l.* given him, and hath store of Bishops Lands.

48. *Samuel Vassel* given him 1000*l.*

49. *Oliver Cromwel* Leiut. Gen. hath 2500*l.* per an. given him out of the Marquess of *Worcesters* Estate, for which 4000*l.* per an. is set out at the rate of 2500*l.*

50. Sir *W. l. Brereton*, Col. Gen. for the *Cheshire* Forces, hath *Cashobery*, and other Lands of the *L. Capels* worth 2000*l.* per an. and the Archbishops house and Lands at *Croiden*, where he hath turned the Chappel into a Kitchen. *A goodly Reformation, and fits with his stomach as well as his Religion.*

51. * *Thomas Waite*, Collonel, Governour of *Burley*, where he thrives so well, as he is now buying 500*l.* per an. who before was not able to buy 5*l.* a year.

52. Sir *Oliver Luke*, decayed in his Estate, Col'onel of *H. rse.*

53. Sir *Samuel Luke* his Son, Collonel, and Scout-matter for the Counties of *Bedford*, &c.

54. * *Thomas Gell*, Leiut. Col. to Sir *John Gell*, made Recorder of *Derby*, in Mr. *Allistrie's* place.

55. *Valentine Walton*, Collonel, and Governour of *Lin Regis.*

36. * *Richard Norton*, Collonel, Governour of *Southampton*.

57. * *Edward Harvy*, late a poor Silk-man, now Col. and hath got the Bishop of *London's* House and Mannor of *Fulham*.

58. *Edward Rossiter*, Collonel, and Generall of all the
Lir-

Lincolnshire Forces, and Governour of Belvory Castle.

59. * *Sir Michael Livesey*, Col. Sequestrator, and Plunder-master General of *Kent*.

60. * *Henry Ireton* (son in Law to Lieutenant General *Cromwell*) Colonel, and Commissary General.

61. * *Richard Salway*, Col. formerly a Grocer's man.

62. * *John Birch*, formerly a Carrier, now a Colonel.

63. * *Thomas Rainsborough*, a Skipper of *Lin*, Col. Governour of *Woodstock*, and Vice-Admiral of *England*.

64. * *Robert Black*, Col. Governour of *Taunton*.

65. * *Francis Russel*, Colonel.

66. * *Rowland Wilson*, Colonel.

67. * *Robert Harley*, Col. son to *Sir Robert Harley*.

68. * *Richard Brown*, Major General, and Governour of *Abingdon*.

69. * *Peter Temple*, Captain of a Troop of Horse.

70. * *John Ven*, Colonel, Governour of *Windsor*, had 4000l. given him.

71. * *Algernon Sidney*, Governour of *Dover-Castle*.

72. * *Richard Ingolsby*, Colonel, Governour of *Oxford*.

73. * *John Hutchinson*, Colonel, Governour of *Nottingham*.

74. * *Sir John Palgrave*, Col. at the siege of *Newark*.

75. * *Edmund Ludlow*, Governour of

76. * *Cornelius Holland* renteth as much of the Kings Grounds for 200l. per an. as is worth 1600l. or 1800l. per an.

77. * *Philip Skippon*, Sergeant-Major-General of the Army, Major-Gen. of *London*, and Governour of *Bristol*, had 1000l. per an. lands of inheritance given him.

78. * *Charles Fleetwood*, Colonel.

79. * *Thomas Westrom*, Capt. under *Sir Michael Livesey*, was nothing worth, until a Captain and a Parliament man; and now hath gotten the Bishop of *Worcesters* Manor of *Hartlerow*, which proves he hath two good and beneficial offices.

80. *Henry Martyn*, Col. of a Regiment of Horse, and a Regiment of Whores.

* 81. *Nathaniel Fiennes*, Col. once Governour of *Bristol*. *Thereby hangs a Tail*:

82. *Anthony Stapley*, Col. Governour of *Chichester*.

83. *Alexander Rigby*, Col. and Governour of *Bolton*.

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84. *Charles Pym*, Captain of a Troop of Horse.

85. Sir *Arthur Haslerig*, Colonel, Governour of *New-Castle*, and hath the Bishop of *Durham's* house, Park, and Manor of *Auk-land*, and 6500*l.* in money given him.

86. *William Jephson*, Colonel.

87. Sir *Thomas Middleton*, Major-General for *Denbigh*, and five other Counties.

88. *Godfrey Boswell*, Colonel.

89. The Lord *Gray* of *Grooby*, (son to the E. of *Stamford*) Col. and hath given to him the *Queens* Manor house, Park, and Lands at *Holdenby*, and ther's a great fall of the Woods.

90. Sir *Will. Constable*, Col. Governour of *Glocester*, he sold his lands to Sir *Marmaduke Langdale*, for 2500*l.* and is restored to it again by Parliament.

91. Sir *Will. Purefoy*, Col. and Governour of *Coventry*, fought resolutely against the Crosse in the Market place at *Warwick*, and against the Ancient Monuments in the Earls Chappel in *St. Maries* Church there; for which he had 1500*l.* given him, but when he should have fought with the Enemy, hid himself in a Barley-field, for which a Water-man at Temple stairs (that had been his soul-dier) refused to carry him.

92. Sir *Edward Hungerford*, Col. famous for plundering *Warder Castle*, hath the Lands of the Countesse *Domager* of *Rutland*, worth 1500*l.* per an. and she allowed but 500*l.*

93. *Harbert Morley*, Col. Plunder-master of *Surrey*.

94. *John Moor*, Col. of the Guards, and for some time had the benefit of Passes out of *London*.

95. *Walter Long*, Col. had 5000*l.* and the Office of Register for 4. years.

96. Sir *Will. Waller*, General, and lost two Armies, yet a gainer by the employment.

97. *John Allured*, Col.

98. *Michael Oldsworth*, no Col. but Governour of *Pembroke* and *Montgomery*, and hath a share with his Lord out of Sir *Henry Comptons* Office, worth 3000*l.* per an. and is Keeper of *Wind-for Park*.

99. *Tho. Scot*, a Brewers Clerk formerly, hath the Bishops house at *Lambeth*.

100. Master *Aschurst*, when he went Comissioner into *Scotland*

land, had the Clerk of the Peaces place for *Lancashire*, and 1000l. in money given him.

Besides these Offices, Commands, and Gratuities, every Member of the House of Commons, being in all 516. are by their own Order allowed 4l. *per Week* a man; which amounts to 10000l. *per annum*.

By the Ordinance for sequestering Delinquents (1 April, 1643.) it was declared, *That their Estates should go for maintenance of the Publick Affairs*, and several Ordinances designed *Bishops Lands* for pay of 200000l. *Publick debt*: Yet by this, and the following Centuries, thou shalt see how both Delinquents Estates and Bishops Lands are by Members of Parliament shared amongst themselves, whilst the 200000l. is unpaid, the publick affairs supported by unsupportable Taxes, and that *Dutch Devil Excise*, that insensibly devours the poor, and will impoverish the rich.

These are they that with *Hananiab*, break the wooden yoke from our necks, (28 *Jeremiah*) and put on one of Iron; free us from a little *Ship-money* paid thrice in an Age, and impose as much at once for a *Monthly Tax*; quit us of the *Monopolies of Tobacco*, and set up *Excise on Bread and Beer*: The first easeth the wanton rich man, and the latter grindeth the needy and poor. Yet these are thy Gods O London! these are the Idol Calves the People have set up and do worship: these be the *Molecs* to whom ye sacrifice Sons and Servants by Troops, Regiments, and Armies, to maintain their *sovereignty, rebellion, and profit*.

And that these and other their actions may never be questioned, they *His Majesties loyal and obedient subjects*, will always *Imprison their King, continue their Army, perpetuate their Parliament, and intail their Member-ships* (as the Priesthood on *Levi*) upon *confiding Families*, to furnish them with *Voces*, as Mr. Gilbert Gerrard and his 2 Sons, *Brampton Guidon* and his 2 Sons, Sir *Robert Harley* and his 2 Sons, 3 *Fines*, 2 *Ashes*, 4 *Stephens*, 4 *Pelbams*, 4 *Herberts*, 4 *Temples*; it were endlesse to name the Father and the Son, Brother and Brother that fills the House; they come in couples more than unclean Beasts to the Ark: 2 *Vanes*, 2 *Puries*, 2 *Chaloners*, 2 *Bacons*, 2 *Pierpoints*, 2 *Bonds*, 2 *Onslowes*, 2 *Lenthals*, &c. And that our *Ecclesiasticks* may comply with our *Temporal Governors*; the Houses abolish (as superstitious because Legal) the *Convocati-*

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on of learned Divines, (regularly summoned by the King's *Writ*, and duly elected by the Clergy) and the House of Commons *nominates an Assembly of gified Divines* (indeed wicked *Simons*) that slander the Godly *Onias*, (2. *Mac.* 4.) to our him of his *Priests* place; so that at this day there is not one *Assembly-man* but is illegally thrust into anothers *Benefice*, a *Catalogue* of whose names and Preferments expect shortly, and with them a view of the *Militia* and *Common-Council-men* of London, observing what Places, Offices and salaries they have from the Houses of Parliament, and then thou wilt know the reasons of their Votes and Actions in the City.

You see in part what the Grandees have done for themselves. Consider after 8 years sitting what they have done for the people, when amongst all their Propositions to the King for *Peace*, hardly any one respects the *good of the People*, but their own *grandeur and profit*. They demand a *Militia* to keep up this Army upon us, which is not the Kings to give. No King of *England* ever governed by a standing Army. They demand likewise power to raise what *Forces* for Land and Sea, consisting of what *Persons* they please to presse; and to raise what money to maintain them out of all mens *Estates*, to be laid on at their discretion, and as partially as they please, so that they may favour one Faction, and oppress the other at pleasure; for, so much the Act for the *Militia* as it is penned imports: and this is more than his Majesty hath power to grant. The late *Militia* of Trained Bands, and the *Posse Comitatus* under *Sheriffs* (being the only legal *Militia* of *England*) will not serve their turnes. It hath always been the Policy of *England*, to trust the *Militia* and sword in one hand (*viz.* the KING) and the Purse that should pay them in another (*viz.* the PARLIAMENTS) whereby one power might bound and limit the other. For to put the Sword and the Purse into one hand, is to make that hand absolute Master of our Persons and Estates, and so reduced us to absolute slavery under the Arbitrary power of one man, without appeal or redresse. *Awake and look about you good People.*

THE END.

AN
APPENDIX
TO

The History of Independency,

BEING

A brief description of some few of AR-
GYLE'S proceedings, before and since
he joyned in Confederacy with the
Independent Junto in
ENGLAND:

With a Parallel betwixt him and Cromwell,

AND

A Caveat to all his seduced Adherents,

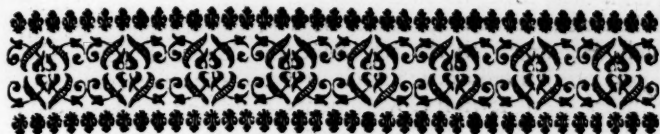
CICERO.

*Totius injustitia nulla capitalior est quam eorum, qui cum maxime fal-
lunt, id tamen agunt, ut viri boni esse videantur.*



LONDON,
Printed in the Year, 1648.

LONDON



A N A P P E N D I X T O

The History of Independency.

BEING

A brief description of some few of *Argyle's* proceedings, before and since he joyned in confederacy with the *Independent Junto*
in *ENGLAND*:

With a Parallel betwixt him and Cromwell;

A N D

A Caveat to all his seduced Adherents.



He *Covenant* being at the first taking, held to be the true Touchstone whereby the Religious Royal Subjects were discerned from all those who were unwilling to submit to the yoke of Christ in matters of Religion, or to the just and lawfull Government of our 'dread Sovereign his Vicegerent; now a subtil generation of men (or rather Vipers) in both Kingdomes, who did take the Covenant, and did magnifie it so long as it could serve them for a Ladder to mount to their intended Greatness, being now at the top, have kick'd away the Ladder, and standing (as it were) on the pinnacle, look with disdain on all their old friends, who out of the integrity of their hearts, did for the good of Religion, and His Majesties honour, joyn in that solemn engagement, it being
far

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far from their thoughts that their modest and humble desires for the Reformation of some abuses both in Church and State (all which, His Majesty in the respective Kingdoms did (or was willing to) cure) should have struck so deep as to endeavour the overthrow of all lawfull Governments, Civil and Ecclesiastical; bringing, instead of a promised Reformation in Religion, a cursed Toleration of the most damnable Sects, Errors, and Heresies that ever Hell did send forth; and for the Civil State, instead of a well-settled Monarchy, a most confused tyrannical Anarchy, quite contrary to the words and meaning of the Covenant, and the honest intentions of all true-hearted, Religious and loyall Subjects in the three Kingdoms, who did take that solemn Covenant with a purpose to keep it, and of very many thousands who did never take the Covenant, (yet very good Protestants and loyall Subjects) being more affrighted with the compulsory way of enforcing it on all, than unsatisfied in the matter, being introduced in a legal way, none of these deserving the name of Malignants, or to be so cruelly dealt with either for their persons or Estates, as hath been too too common in both Kingdoms; but the Covenant it self, doth best decypher who are Incendiaries, Malignants, and evil Instruments, viz. those who hinder the reformation of Religion, who divide the King from His People, or one Kingdom from another, or make any Faction or Parties amongst the people, contrary to the League and Covenant. Yet by our new tenets, none must be called Malignants but those that have loyall hearts towards their Sovereign, though otherwise never so Religious, and all of them (with Master Martin) would gladly make the *Covenant an old Almanack*, that they might be rid of that tie of preserving His Majesties Person and Authority, in the preservation and defence of the true Religion and Liberties of the Kingdoms, that the world may bear witness with their consciences of their loyalties, and that they have no thought or intentions to diminish His Majesties just Power and Greatnesse.

As the History of Independence hath discovered the practices of the Independent Junto, so this Appendix will discover their chief Confederate in Scotland, namely the Marquess of Argyle; whose dealing with his Kindred, Friends, and Confederates mentioned in the following discourse, will be a warning to all religious Protestants, how they trust such an Apostate Covenanter, whose ambition

bition and avarice hath ruined the KING, Church and State, or three flourishing Kingdoms. Although it may seem a paradox to many, I dare boldly aver, that *Argile* and his Faction in *Scotland*, have been, and are the chief Malignants, Incendiaries, and evil Instruments, who have been the Ruiners of these three flourishing Kingdoms, and the Authors of the blood shed in all of them, as I hope by this following Discourse will be made appear to every impartial and unprejudicate Reader, who hath, or may have the certain knowledge of every particular when time shall serve. This *Argile's* Father, after the Marriage of his *English* Lady, having turned *Roman* Catholique, and this his only Son by his first Lady being carefully educated by the Earl of *Morton*, by whose means he obtained the possession of his Fathers whole Estate for a small Pension, and by His Majesties special favour (for out-quitting his pretended Title of *Justice General* of the Kingdom of *Scotland*) did obtain an Heritable Justiciary of *Argile*, *Lorn*, *Kintyre*, and many of the Western Isles; which power he did execute with that cruelty, that he disgusted all the Islanders, and Highlands of *Scotland*, who were never so tyrannized over by any of their Kings, till his Fathers death (till fearing his return) he kept himself somewhat moderate for the engaging for the Covenant, or keeping company sometimes with those that were against it; but his Father being dead, finding himself idolized by those who had taken the managing of all affairs into their hands, and that by his power and policy he could prevail with them in any thing, to incline himself the more to that party, he did seem exceeding zealous for the Covenant, and pretending great fears from *Ireland*, (which the then Lord Deputy *Strafford* his Greatness, and known averseness from the Covenant, did make the more easily to be beleaved) whereas the true cause of his fears was for the loss of *Kintyre*, (whereof he cosened his Brother long before his death) *Isla*, and divers considerable Isles which were and ought to be the possessions of the *Mackdonalds*, and his indiscreet provoking of *Strafford*, who in revenge of him did use very hardly all the *Scots* in *Ireland* who would not renounce the National Covenant of *Scotland*: he dis-arming them, did Arm and Train many *Irish*, who (after his Head was off) shed so much blood in *Ireland*, and upon pretence of divers of the *Mackdonalds* (*Argile's* own Tenants for the time) were accessory to the

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Plot, fearing his Judiciary power where he was both Judge and Party, they were enforced to flee to *Ireland* till their peace should be made; to prevent which, he sent their Wives and Children after them, took possession of all their moveables, and placed other Tenants in their Room; but being grieved that *Culkeithough* and his Sons, who had goodly Possessions, were not gone with the rest, he caused cite them before the Council, as necessary to an Invasion to be made by *Anrum* and some of their friends; which citation (as legal men and not guilty in the least) they did obey, and after some dayes stay in *Edinburgh* (taking their walk daily before *Argile's* door) they did humbly intreat his Secretary to plead for them, that they might have a speedy hearing, since they were weary of their attendance; which the Secretary acquainting the Lord *Argile*, returned them this Answer, That since they had testified their obedience by their appearance, they might go home and behave themselves civilly, not meddling with their Rebellious friends, (as he was pleased to term them) and be ready upon any new citation, they should be excused for that time: they did humbly thank his Lordship, and his Secretary, for this courtesie, and did presently depart from *Edinburgh* towards their home; whereof my Lord (by his Spies upon them) having notice, did immediately convene the Council, and whereas in many dayes before (during their stay in Town) they could not be heard, that day they were first Called, and upon their not Answering, my Lord aggravating their Accusation by their departure, occasioned by his own and his Secretaries contriving, procures a Warrant to make them prisoners till they should be Tried, and to seize upon their Estates; which out of his zeal to the Covenant (God knows) he did carefully perform, and made *Culkeithough* and his two Sons Prisoners before they were half way at home; which *Alexander Macdonald* (afterwards Sir *Alexander Macdonald*) being fled to *Ireland* (having no valuable possession to look to at home) did associate himself with the *Irish* in the beginning of their Rebellion; but so soon as the *Scots* Army came over, he did apply himself to them, assuring them that he would do them faithful service against the *Irish Rebels*, if they would release his old Father and his two Brethren, unjustly detained prisoners, or bring them to Legal Trial, whereof having assurance given him, he brought with him two hundred gallant men.

men of his friends, and did more execution upon the *Irish* than half of the *Scots* Army, their horse being not able to follow through Bogs, and their Foot not so swift as the *Irish*, and did in one morning bring in six or seven thousand Cows to the *Scots* Camp (the like booty they did never take at any one time before or since) for which good service, the General did of new engage for his Father and Brethrens releasment; but when the Committee of Estates had consented, *Argile* did reverse all, and frustrate the Generals promise: which *Alexander Macdonald* perceiving, said no more (but well) I will yet cause my faithful service procure my Fathers enlargement, and did continue without pay, or hope of pay, saving a very spare allowance of quarters, until *Argile* sent over and caused him to be discharged of all quarters, to the grief of all the *Scots* Officers, who did well know what faithful service he had done, and was able to do them: so that meer necessity did inforce him to make his peace with the *Irish*, by whose help he did come over into *Scotland*, meerly to be revenged on *Argile*, and to relieve his Father, hoping the Estates of *Scotland* would not blame him for suing the performance of what their General had promised unto him, intending no more til *Montrosse* out of his desire to be revenged on *Argile* did enforce *Alexander Macdonald* to joyn his Majesties Interest, as *Montrosse* pretended, with the said *Macdonald*, hoping he would find (as indeed he did) a great many discontented persons to joyn with them, all which, or the most considerable, were parties and persons wronged, oppressed, and ruined by *Argile*, as chiefly (besides the forementioned Islanders and these *Highlands* that were under his lash) the *Atholl* men twice or thrice plundered by him; *Montrosse* himself provoked by many well-known injuries, which no Noble heart could endure, as the death of Mr. *James Stewart* who was no Traitor either to King or Country save only to *Argile*. The Earl of *Airly* having his estate plundered, and his House thrown down in revenge of an antient quarrel amongst their Predecessors, for the Earl of *Airly* having some Lands in the Bray of *Angus*, out of which *Argile's* men did many times drive Heards of Cattle, Sheep, and other Beasts, for which the Lord *Ogilbee* could have no remedy, these Thieves being protected by the Earl of *Argile*, by advice of his Lawyers he did Charge the Earl of *Argile*, that he should find surety not to

maintain or protect such Out-lawes; but before he could obtain the same, he was obliged (according to the custome of *Scotland*) to give his Oath, he did fear bodily harm from *Argile*, which he was unwilling to do; alleging, it were only a Beastly harm that he did fear, for if he would not protect those that did steal his poor mens Beasts, he was nothing afraid of his body. This tart Answer, after an age must (under colour of service to the State) be so revenged.

The *Gondons*, divers of whom he betrayed under trust, and under pretence of securing his Neces Portions that he was ingaged for, possessing himself of *Badinoch* and *Lochabar*, and plundering friends and foes indifferently in his marches too and fro, and the inexhaustible treasure of the *Scots* Exchequer must allow him eleven or twelve thousand pound sterling for every Voyage; whereas his Breechlesse Souldiery were well content with their Beef and Bannocks, and such convenient plunder as the Country could afford: these (as I conceive) were the most considerable Forces *Montrosse* ever had, unless some that were through fear, compelled to yield for the time, so that the bloud-shed in *Scotland* by *Montrosse* and *Macdonald* do properly fall upon *Argile's* score, no other under Heaven having occasioned both their out-breakings, and all their partakers, who did see no other way to be revenged on him (that had made himself Master of all the Estate, having made *Argile's* quarrel their own) than by heaving at all under the specious pretext of the Kings interest: which if God in mercy had not prevented, they had almost effectuate through *Argile's* misgovernment; wherein it is to be remarked, that when he was overthrown by *Montrosse* in *Lochaber* the second of *February*, 1645. many of his friends being killed, and others taken, he who would not release *Culkestough* for his Sons good service, nor the Generals ingagement, or the Committee of Estates desire (you must not speak of Command) for Master *James Hamilton*, a faithful Minister of the Gospel, who found more kindnesse from *Culkestough* than from this Canibal Covenanter, is now content to release all to get a poor Company of his Country-men, leaving the Godly Minister in cruel bondage, whom *Culkestough* did release upon his Paroll and promise to send him a Boy that was forgot behind.

This religious Covenanter, out of his pious care for the education

tion of his Sister, in the true Religion as he pretended, did, by His Majesties special favour overthrow the last will and Testament of his Mother-in-law, by getting himself made Administrator in the room of him who was nominated therein, whereby he got the Gentlewoman his Sisters whole patrimony into his hands; but before he could prevail in this, his Majesty did take special care that sufficient Surety should be given that the Will of the Dead should be truly performed by payment of their respective portions when they were Married, and sufficient maintenance until they were Married: the Elder whose Portion was Five thousand pound sterling, is presently sent for, and one thousand pound or thereby given to a Gentleman for his second Wife, the rest (there being a clause, *that if any of them should enter into Nunneries, they should only have 300l. sterling for all*) being kept so scarce of their due maintenance (the Gentleman who was surety, having advanced of his own above 1000l. whereof he is not as yet repaid) were seduced to go to Monasteries all save one, who is now ready to enter through his neglect; so this 12000l. of his Sisters Portions (with the ruine of their Souls to boot) is a part of *Argile's* well-made purchase.

The great care taken by the Earl of *Morton* for *Argile's* education and preservation both of his life from the crafty designs of a Step-mother, and recovery of his almost ruined Estate, was so well required, that (notwithstanding he hath the Earl of *Morton's* Daughter in his bed) in open Parliament he spake what became him not both of that noble Lords Person and Estate (only, as he pretended, out of his zeal to the welfare of the Kingdom) whereas the truth is, it was meerly out of his ambition to have that Honourable place conferred upon himself, which was intended by his Majesty upon that noble Lord; but finding His Majesty not inclinable that way, the next assault was, for one of his own name, a man truly well-deserving (for to say, better deserving than himself, is no great praise) and if, his too-much favouring of him do not stain his reputation, worthy to be beloved.

Thus having shortly viewed *Argile's* religious carriage towards his Vassals and Tenants, Parents, Friends, and Allies, Brothers and Sisters, Neighbours and fellow-Patriots, let us take a short view of his Loyal carriage towards his Sovereign, and his due:

due observation of the Solemn League and Covenant with his covenanted Brethren of *England*, and then let the impartial Reader judge whether he be not such as is affirmed in the proposition, the greatest incendiary in the three Kingdoms.

It cannot be denied, but His Majesty (as is mentioned before) did confer many great and Princely favours upon him at the Earl of *Morton's* desire when he was Lord of *Lorn*, such whereof as required confirmation were approved and ratified in Parliament, His Majesty being present, anno 1641. with the addition of the honour and title of Marquess, and a full Pension well paid ever since whoever want, together with (not only an *act of oblivion*, but) an approbation of all his tyrannical proceedings against the *Ashol* men, the Earl of *Airely*, and others, though not particularly mentioned, yet as done in obedience of Orders from the Committee of Estates (obtained by his own procurement) therefore to be no further questioned.

The first endeavour in requital of these and many other Royal favours was the entering in conspiracy with certain his Confederates (whom I forbear to name) to transform the Kingdom of *Scotland* into a Free State like the Estates of *Holland*, and because some truly noble Lords did abhor such a disloyal motion (after so many Acts of favour, witnessing to all Posterity his Royal bounty both to Church and State, whereof these chief Conspirators tasted not a little) he did at that time forbear not so much to prosecute his design, as to conceal their Counsel from all these that had thoughts of Loyalty, though most faithful to the true Religion and their Countrey, according to the Covenant. The *Irish Rebellion* breaking out, fearing his own stake if *Antrim* should grow strong, he procured one Regiment for himself, another for his Cozen *Lamers*, a third with the place of *L. General* for that most ungrate Gentleman the Earl of *Lothian* (who was married to his Niece and one of his Confidants, who was once heard say, *That the 3 Kingdoms would never have peace so long as King CHARLES his Head was on his shoulders*: and yet it is only King CHARLES his favour that hath made him and his Father exceed the estate of Gentlemen) with many other places to divers of their friends, intending a full Conquest of *Ireland* (at least) to banish *Antrim* and the *Mackdonalds* from thence, as he and his Predecessors had done many of them

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out of *Scotland*, taking a gift from the Parliament of *England* of some of the Earl of *Strathmore* Lands in *Ireland*, especially the Island of *Rachera*; to the which, one of the forementioned Regiments was sent, and kept there a long time, so that all the three Kingdoms must be at the charge to maintain Armies and Garrisons for enlarging the Dominions of *Argile*. His next project, having begun his Confederacy in *England*, by shewing them the ways to get money by Taxes and Excise, 10. and 20. part, bringing in of Plate, voluntary Contributions, borrowing on the Publick Faith, tyrannizing over the Persons and Estates of all that durst be so bold as speak against the Illegal Orders, and all this Money in both Kingdoms to be employed against His Majesty, whom their renewed Covenant did oblige them to defend, having good opportunity to traffique betwixt under the pretence of Commissioners for the Kingdom of *Scotland*, the rest for the most part either his Creatures or Confidants; so that he ruled 'all the Council at home and abroad, sending *Lothian* to *France* to have them brought in a *Confederacy*, abusing his Majesty by procuring His Commission for Treating concerning the keeping and preservation of that ancient League betwixt *France* and *Scotland* (begun in *Charls the Great's* time, with *Achaim* King of *Scotland*) but the effect of the Treaty was to bring money to *Argile*, who, at that time when the Kingdom stood in much need of men, sold five thousand to the *French* to be under his Brother, (from whom he had, as formerly the Estate, so now the Title of *Kinnyre*, and he must be Earl of *Irwin*, all the Interest he had there being by his *quondam* Tutor (now Slave) *Barclay*, his being sometime Provost thereof) and the Chancellors Brother *Lundie* *sur France* and *Irwin* had bad penny worths, although *Argile* made a good market for the Men, like Money trusted in a Jugle's hand, were gone with a puff: thus you see how much both KING and Kingdom were obliged to him in this particular. But to come to the main point of the Conspiracy, finding *Scotland* (although he had all the power of the Persons and Estates in his hand) not pliable as yet to cast off Monarchy, and imbrace Aristocracy, of whom (as affairs stood) none could be the chief Ruler but himself, he did employ the Zealots of the Clergy to asperse those who did oppose him (especially some most faithfull and religious Noble men) as if they were fallen from their first love, turn, ene-

mies.

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mies to the cause of Christ, had with *Demas* imbraced this present world, and that *Argile* was the only man that stood in the gap; threatening out of their Pulpits all such as would think or speak evil of him; but when the State-juglers with their Clergy-Impostors, could neither shake the Loyalty of the one, who were really for the Covenant and Monarchical Government, nor plaster over the many fraudulent cheats of the Argathelian party, now become a most odious and heavy burthen to the Kingdome, harased and ruined from the one end to the other by him and his Armies on the one part, and *Montrosse* and his Confederates on the other part, (*Argile*, of the two, being the Kingdoms most cruel Enemy) was simulat humiliation, having the Church-men still his friends, did reconcile himself to the other noble and loyall Patriots, by suffering them to take some share of the Government, that the (by him) dis-joynted State might by them be set in a right frame again, with a resolution, when all things were right, to usurp his wonted Authority, and follow his old trade of De-throning His Majesty, and canonizing the Kingdom; but things falling out so, that one day at *Nazeby*, quelling the KING S party in *England*; and one day at *Philipsburgh*, almost quieting *Scotland*; finding the Presbyterians in *England* inclinable to peace, and desirous of his Majesties re-establishment according to the Covenant, he leaves them, and joyns Counsell with *Say*, *Perpoint*, *Cromwel*, and others of the Independent Junto, doing them that Master, ieece of good service, First, under colour of Loyalty and friendship to prevail with His Majesty to return to the *Scots Army* then at *Newark*, *Cromwell* contributing a Passe to *Hudson* and *Asburnham* with a slack Guard, that His Majesty might the more freely escape. Secondly, after many learned and loyal Speeches for *Monarchy*, the Kingdom of *Scotlands* interest in the person of the KING, and many Vows and Protestations both in private and publick, not to abandon His Majesty without his own consent, contrary to all which, he and his Party did overthrow the Loyalty of That once famous Gentleman, Lieuten. General *David Leslie* (who had deeply sworn, and ingaged himself to His Majesty, to convoy him safely into *Scotland*, or then to see His Majesty peaceably settled in his Throne in *England*) forcing him, and he perswading and prevailing with the Souldiers to march away, leaving his Majesty behind little better than (but
now

now an assured) Prisoner, and the whole power of the Sword in the hands of the Independents and Sectaries, to the ruine and overthrow of their Presbyterian friends in the City and Parliament, as the *History of Independency* doth Witness, encouraging the Independent Party (by their Letters) to proceed in their dethroning Votes, and accusation of his Majesty, assuring them that no party from *Scotland* shall be able to hinder them in their proceedings; but finding the body of the Parliament, and the Kingdom of *Scotland* to be sensible of the ruine of Religion and Monarchical Government if the Sectaries prevaile, and their resolution to adhere to their Covenant, and re-establishing his Majesty, being in fear their party shall not be able any longer to delude the Kingdom, or hinder the Army designed to come in for the vindication of the many breaches of the Solemn League and Covenant, and the several Treaties betwixt the Kingdoms, they have solicited the Armies of Sectaries to come to their assistance, some of their Ministers professing in their Letters *They have no hope of safety, unless it be by means of this (rebellious) Army now in England*, thereby endeavouring to make *Scotland* the seat of War.

And if these troubles in *Wales*, and cutting Petitions from *Essex, Kent, Surry, and Sussex*, had not hindered them, their resolution was to have sent *Cromwel* thither, it being debated before he went to *Wales*, which of the two he should take in hand; but the constant assurance they had from *Argile*, and those accursed Clergy-men that were bribed by *Stephen Marshal*, *That there was no fear of danger from Scotland in haste*, made them hasten to finish the enslaving of *England* and *Wales*, and then they resolve to conquer *Scotland*; which they conceive may be quickly done, having *Argile* and his Faction so firm to them, that although he would, neither he nor his Partners dare revolt from them, having received so much of their money, lest they should reveal more than he desires should be known; and as the Independents sent their Emissaries through all Counties and Corporations to get hands to Petitions *for thanks to the House for their dethroning Votes*, so *Argile* and *Marshal's* Hirelings have been very active to get hands to Petitions in many Shires, Corporations, and Provincial Assemblies, for *hindering the engagement against the rebellious Army of Sectaries, and the Independent Junto their Confe-*

derates: whereas there is no intention against the Parliament, or Body of England; but to comply with all religious honest hearted and loyal Subjects, who desire that His Majesty may be enlarged and brought to a Personal Treatie, whereby Peace and Truth may be settled in the three Kingdoms; their chief preerences being, that Religion is not secured: the Religion now established in Scotland was by Act of Parliament (His Majesty present) so well secured as the most religious Church-men, and most skilfull Lawyers could devise; if you have got *New Lights*, and desire any other Religion to be established, vindicate His Majesties Honour, and put up your Petitions to Him in an orderly way, and He may possibly vindicate you from the Yoke of Slavery which some of your tyrannizing Clergy desire to put upon you; The next is a wonderfull increase of your fears by the great *Trusts* put upon such persons, of whom you have just cause of jealousy to this Kingdom, and the Cause of God; though you do not speak plain, your Pamphletters do, and your Pulpit Incendiaries to some purpose; you mean Duke *Hamilton* now General of the Forces, designed by the Kingdom and Parliament of Scotland for vindicating the Honour of the Nation, and revenging His Majesties Captivity upon that perfidious rebellious Army of *Sectaries*, and their adherents: what he did before the subscribing of the Covenant ought not to be objected, (his moderation even then deserving the honour and love of his Country) and since his subscribing, malice it self cannot tax him that he hath done any thing contrary to his Covenant or his Country; what *Montrosse* doth asperse him with, that he hindered his intended invasion of Scotland, and so consequently His Majesties Service; none of those who stand for the Covenant who did think *Montrosse* an enemy to the Covenant, and to his Country, ought to object this to my Lord Duke, whose tender care of the safety and welfare of his Country may evidently appear even in the relation of one of his most deadly enemies; and whereas his good advice for moderation was misconstrued by *Argile* and his prevailing Faction on the one side, as if he had done things contrary to the Covenant; and by *Montrosse* and his Confederates at Court on the other side, as if he had connived or been accessory to those violent courses against his Majesty, which (God knows) he was not able at that time to hinder; his intentions being still for Peace, and such a Peace as might consist with the

the safety of Religion, and His Majesties honour; whereof he was very hopeful, being confident of His Majesties propensnesse to Peace, and the interest he had in His Majesties favour: but the watchfull malice of his enemies, and the enemies of Peace, did cunningly prevent his going about so good a work, making him Prisoner without His Majesties knowledg, hindring by all means a meeting betwixt them, knowing that his Majesties justice, and the Dukes innocency, would quickly make their calumnies to vanish: what a sad imprisonment did he indure, much heightened by the then impossibility of clearing his innocency to his Sovereign (the losse of whose favour would be more bitter than a thousand deaths) and his real intentions for the good of his Country, for whose cause he hazarded and suffered so much misery and imprisonment? Yet this noble Dukes implacable and malicious enemies do further asperse him as a man of no Religion, a meer Politician, and one that seeketh the ruine of his Sovereign, by the aspiring to the Crown of Scotland: It would trouble the best Politicians, and the most Religious upon earth, in these distracting and distracted times, to distinguish rightly betwixt the duty we owe to Religion, and the duty we owe to our Prince, supposing them enemies; but the falsity of this supposition, (which hath misled many thousands, and been the ground of all our miseries) being evident to the Duke, who had the honor to be educated and intimate with his Majesty from his youth, knowing his Majesty to be a lover and honourer of the true Protestant Religion, a lover of justice and mercy, and a practiser of all Christian and moral virtues, and with a most munificent hand a royal Benefactor to himself and his Family. It may be asked, if it had been either piety or policy in the Duke to have kick'd off so loving and so liberal a Lord and Master, (although he had not been his Sovereign) or to have engaged against his Country with any Party that for their own ends more than the good of their Sovereigns, were disturbers of all moderate Counsels, so long as he had any hopes of Peace; especially seeing so many sad presidents in both Kingdoms, where many powerfull Subjects, lovers of the true Protestant Religion, not joyning prudence with their loyalty and innocence, have crush'd them under the Load, and nothing easeth His Majesties burthen, but rather increaseth the same; all their wealth and power being now made instrumental to en-

slave both KING and Kingdoms: the Duke's prudence having vindicated him from the ruine intended against him by his enemies, and reserved him (through Gods blessing) to vindicate his Loyalty by re-enthroning his Majesty so soon as God hath enabled him with any power to do it. As for his Religion, it is known he is neither Popishly affected, nor a Sectary; but who hath ever been a professor of the true Protestant Religion, a lover and Patron of all Godly men and honest Ministers, even in the time of *Episcopacy*, when few or none but himself durst appear for them; if his judgement had not been overswayed in some Star-Chamber sentences before he had that wisdom and experience which he now hath, and long before he did take the Covenant; if he had been ambitious of popular applause, he had been more renown'd for his Religion, than for his Princes royall bounty; but wishing rather to be religious, than seem so, his favours were given in secret to many godly Ministers, and his Majesties honour and good chiefly aimed at in the bestowing of them: and that you may take a short view of his proceedings, as you have done of *Argile's*, by comparing them, you will find who doth deserve the Title of the most *Religious*.

Duke Hamilton suffered his worthy Mother to enjoy, besides her own Joynture, all his Estate, (whereby, indeed he lost nothing, (she improving it much to his advantage) hath helpt his Brother to a great estate, with Titles and Places of Honour and profit, suitable to his birth and worth; his Sisters, and now some of his Neices matched in the Noblest and best Families of the Kingdom.

The Duke had no quarrel with any save Montrose; the ground you heard, for crossing his first intention for the Invasion of Scotland, to prevent the misery and

1. Whereas *Argile* did in his Fathers life time bring him to a Pension, outed his Brother, of his Estate, *Kintyre*, and ruined his Sisters by cheating them of their portions, and so enforcing them to go to Cloysters.

2. *Argile*, for private quarrels betwixt him and *Montrose*, *Cullertough*, and the *Athol* men, the Earl of *Airely*, and other, hath drawn much misery and bloudshed

bloudshed upon the Kingdom, whom he enforced to espouse his quarrels.

3. *Argile* had enrich'd his Country with the spoils of the Kingdom, and himself with the great treasure bestowed on him both by *Scotland* and *England*, which is well secured without the reach of an Impeachment.

4. *Argile* hath contrary to his Covenant, Duty and Allegiance, conspired to extirpate Monarchical Government, to introduce forein forces of Sectaries, to the utter overthrow of the established Religion.

5. *Argile* hath overthrown all Laws, tyrannizing over the Lives, Liberties, and Estates of the Subjects.

6. *Argile* opposeth all wayes of the Peace, & settlement of the three Kingdoms, His Majesties deliverance, and being brought to a Personal Treaty, lest the power should be taken out of his and his Confederates hands whereby they oppress and ruine both King and Subject.

7. Lastly, *Argile* hath betrayed his old friends the *Presbyterian* party in both Kingdoms, especially the *Presbyterians* in the Parliament of *England* and City of *London*, not only suffering them to be made a prey to their enemies, but obstructing their relief.

bloudshed that he did foresee was like to follow.

The Duke had no spoils nor gifts given him since ever he signed the Covenant (save the Title of *DUKE*) but hath been spoiled both himself and friends by those that followed *Montrossie*.

The Duke stands firm to his Covenant for the established religion, loyal to his Prince for Monarchical Government, faithfull to his Country against all forein Invasion.

The Duke acts nothing but according to the Laws established, according to the Covenant, and the duty of every good Subject.

Duke Hamilton hath been of that temper to mediate for a well-grounded Peace, his Majesties deliverance, and the Personal Treaty, being the only probable waies for settling the three Kingdoms, and settling the power where it ought to be for the Honour and safety both of King and Subjects.

The Duke hath used, and is using all endeavours to Vindicate the oppressed Subjects in both Kingdoms, never changing Interests, being alwaies faithfull to all those to whom he did profess love and friendship.

Let the impartial Reader now judge which of the two is most religious. As this opposition betwixt Duke *Hamilton* and *Argile* makes them both to appear what they are; so this following Parallel betwixt the *Argathelian Faction* and the *Independent Junto* will serve for an eye-salve to cure the eye-sight of both Kingdoms, and let them see clearly how near they are to the brink of an intolerable and perpetual slavery.

Argile and his Faction filed by the Independents, the Godly party in Scotland, the rest all Malignants.

The like in England by the Army of Sectaries and Independent Junto, above twenty millions shared amongst them, whereof the Kingdom can never get accompt; all places of Honour and Trust of England still in the hands of those that are engaged for, and with the Army of Sectaries.

Cromwell and the army for the King in their first engagements; but having enslaved the City, enforced the Parliament to the dethroning Votes, and as not formerly acquainted therewith, gave thanks for them, and sent their Emissaries to some seduced Counties and Corporations to do the like.

4. *Argile* formerly (yet but seemingly) for Monarchy, now really against it, and all that desire to assert it.

Cromwell contributes a Passe to His Guides slackening the guards, as he did the second time, when he frightened him with a Plot from Hampton-Court to the Isle of Wight, where he remains close Prisoner.

1. The Army of Sectaries in England (however formerly Preached and wrote against) now called by *Argile's* faction the hope of their safety.

2. The heavy Taxes imposed and continued upon Scotland by *Argile* and his Faction, and all the benefit thereof, and most part of the monies got from England, shared amongst them, and no satisfactory accompt given to the Kingdom thereof.

3. All places of Honour and trust usurped by *Argathelians* (till of late) and the Army modelled to maintain their Interest.

5. That Faction first betrays the King to come to the Scots Army, promising protection, and then most perfidiously delivered Him up to the mercy of His most cruel Enemies.

6. *Argile* and his Faction have been most cruel to those they call their *Enemies*, especially in cold blood; and perfidious to their friends, deserting and betraying them.

7. *Argile* when he had done mischief, must have both thanks and reward; and like a Conquerour, march through the Kingdom in triumph: a thing never granted amongst the noble Romans to triumph for a Victory in a Civil War.

8. *Argile's* Faction petitions, That the Army intended for His Majesties enlargement, and the relief of our Presbyterian Brethren shall not come in.

9. *Argile* and his Faction desires but five thousand Horse to assist them to subdue Scotland, which must be turned a Province to the Kingdom of the *Saints*.

The blood shed in England under colour of justice in cold blood, calls aloud for vengeance; and the perfidious breaches of the Army of their promises to King, Parliament and Country, is too too evident.

What the insolent Army did, comming with Bayes in their hats when they enslaved the Parliament, and riding in triumph through the City, by whose bounty they were made and maintained an Army, will to their perpetual infamy be registred to all posterity.

The Army, and some others by their instigation, petition that the Kingdoms may be settled without the King, and that Army continued to enslave the Kingdom, especially the Presbyterian party, their Army being for Toleration.

Cromwell was ready to comply, but got some other work for the time; and if God prevent it not, will now speedily be able to obey *Argile's* desires; but if that fail, *Argile* shall have money, and send David Lesley to levy Forces abroad to work *Argile's* ends.

Let this serve for a Caveat to the misled and deluded Protestants of the three Kingdoms not to trust the fair promises or pretences of these seeming *Saints*, who have made the solemn League and Covenant, (intended for preservation of Religion, His Majesties Honour, and the just Liberties of the Subject) to be the ruine of Religion, the dishonour (so far as in them lieth) of His Majesty and

and the most absolute enslaving of all free Subjects, not to Kings or Princes, to Great men or Good men, but to the very scum and off-scouring of both Kingdoms ; it being no small grief to all that truly feared God, that so many of the reputed honest Presbyterian party should (out of base fear, or other by-respects) comply so long with these Stare-Juglers, the Clergy being most active, hastning thereby their own and the Kingdoms misery ; for they may be well assured, if these Saints prevail, they must (as some of them have done already) turn their Coats once more, and become the Hirelings, and tongue-tied *Tenants at will to their Brethren of the Independency*, or be kicked out of their *fat Benefices*, and possibly out of the Kingdom to prevent new Insurrections against them, which they are cunning to procure, having the power in their hand to repress all that dare appear against them may be ruined, others by their example terrified, and their Saints may enjoy the fatness of *England* ; but I would ask these violent Clergymen of the Presbyterian Party that are unwilling, His Majesty should be brought speedily to a *Personal Treaty*, what their *Assemblies of Divines* have been doing ? for if that Confession of Faith set out in *England*, approved of in *Scotland*, be agreeable to the truth of Gods word (as I know nothing to the contrary) why should the chief Magistrate our dread Sovereign be any longer debard of his just dues ? is He worse than Infidel, that you will assist those that deny His sacred Majesty that which they allow to Infidel Magistrates ? blush for shame, and repent in time, lest as they change their Votes every day, according as the tide of their power ebbs and flows ; so they may soon force you to repeal that Article concerning the chief Magistrate, or (like the gloss of *Orleans*) put an exposition upon it which destroyeth the text. *God send us peace and truth, and preserve His sacred Majesty, and his Posterity, and confound the wicked counsels of all such as are enemies to Peace, Truth, and Monarchy.*

*Si quid novisti rettius istis,
Candidus imperti ; Si non, his utere mecum.*

THE END.

ANARCHIA ANGLICANA: 2

OR, THE
HISTORY

OF
Independency.

THE SECOND PART.

BEING
A Continuation of *Relations* and *Observations* Historicall and Politique upon
this present PARLIAMENT,
Begun Anno 16.

CAROLI PRIMI.

By THEODORUS VERAX.

PSAL. 8.8.

Virum sanguinum & dolosum abominabitur Dominus.

Printed in the Year, M. DC. XL, IX.



THE PROTESTATION AND DECLARATION.

THe premises considered, *I do hereby in the name and behalf of my selfe, and of all the Free People of England, Declare and protest, That the Generall, Councel of Warre, and Officers of the Army, by their said violent and treasonable force upon the farre major, more honest and moderate part of the House of Commons (being above 250.) and leaving only 50. or 60. Schismatics of their own engaged party, sitting and voting under their Command, and almost all of them such as have and do make a prey of the Commonwealth, to enrich themselves and their Faction; have broken, discontinued, and waged War against this Parliament, & have forfeited their Commissions. And the remaining Faction in the House of Commons, by abetting, aiding and concurring with the said Councel of War, in the said rebellious Force; & by setting up new, illegal, and arbitrary Courts of Judicature to murder King Charles the First, our Lawful King, and Governour, (who by his Writ according to the Law) summoned and authorized this Parliament to meet, sit, and Advise with Him, and was the Fountain Head, and Conclusion, or consummatory End of the Parliament, and Supreme Governour over all Persons, and in all Causes of this Kingdom) and by Abolishing*

*Principium,
Caput & finis
Parliamenti.
Oaths of Al-
legiance and
Supremacy.*

the

the House of Peers, and the Kingly Office, and dis-inheriting the Kings Children, and Usurping to themselves the Supreme Authority and Legislative Power of this Nation in order to make and establish themselves a Council of State, Hogen Mogens, or Lords States General, and translate the said Supreme Power and Authority into the said Council of State, and then Dissolve this Parliament and perpetuate their said Tyranny and this Army, and Govern Arbitrarily by the Power of the Sword; and raise what illegal Taxes they please, and eat out, consume and destroy whosoever will not basely submit to their

See 1. part, sect. 105, 106, and the Conclusions; 15, 16, 17, 18. and returne to sect 79, 109 110. Stat. of Recognition, 1. Jac. Oaths of Allegiance and Supremacy.

Domination, have by the aforesaid ways and means totally subverted this Kingdome, and destroyed the fundamental Laws, Authority and Government thereof, Dissolved and Abolished this and all future Parliaments, so that there is now no visible, lawful Authority left in England, but the Authority of King CHARLS the Second, who is actually KING of all his Dominions presently upon the Decease of the King his Father, before any Proclamation made, or Coronation solemnized, notwithstanding that by his unjust Banishment (caused by the interposition of the said traitorous, combined, Antimonarchical Faction) He be eclipsed for the present, and not suffered to perform any Acts of Government to his three Kingdoms, and restore peace, plenty, justice, mercy, Religion, Laws, and Liberties, to them again, which no Hand but his own can bestow; and therefore in vain do the people long for & expect Figs from thistles, Grapes from thornes: This Kingdom of the Brambles now set up, being only able to Scratch and Tear, not to Protect and Govern them. I farther Declare and Protest, That this combined traitorous Faction, have forced an Interregnum and a Justitium upon us, an utter suspension of all lawful Government, Magistracy, Lawes and Judicatories: so that we have not de jure, any Laws in force to be executed, any Magistrates or Judges lawfully constituted to execute them: any Court of Justice wherein they can be judicially

judicially executed, any such Instrument of the Law as a lawful Great Seal, nor any Authority in England that can lawfully Condemn and Execute a Thief, Murderer, or other Offender, without being themselves called Murderers by the Law, all legal proceedings being now coram non JUDGE: nor can this remaining Faction in the House of Commons shew any one President, Law, Reason or Authority whatsoever for their aforesaid doing, but only their own irrational tyrannical Votes, and the Swords of their Army, Wherefore I do farther Declare and Protest before God and the World, That all free-born subjects of the Kingdom of England and Ireland, are bound by the Stat. of Recognition, 1. Jac. and by all our Lawes and Statutes, By their Oathes of Allegiance, Obedience and Supremacy the Protestation and National Covenant, by very many Declarations, Remonstrances, Petitions, and Votes of this Parliament; and all Souldiers are engaged also by their own Declarations, Remonstrances, and Proposals, to defend, assert, and vindicate, with their Lives and Fortunes, the Person, Authority, & Title of our aforesaid Lawful KING and Supreme Governour (the undoubted Heire of all his late Fathers Dominions) CHARLS the Second, by the Grace of God, King of Great Britaine, France, and Ireland, &c. against all Opposites and pretended Authorities whatsoever, unlesse they will be guilty of the foulest sinnes of Treason, Rebellion, Perjury, and Perfidiousnesse against their God, their King and Countrey; and of prostituting the Religion, Lawes and Liberties of the Land, their Wives, Children and Estates, to the lusts of an Armed Faction, usurping a farre more Arbitrary and Tyrannical Power over our Consciences, Persons, Liberties and Estates, then ever was known in England before, or then is now used by the Russe, Turk or Tartar, or any the most enslaving and lawlesse Tyrants under Heaven.



*An Exhortatory CONCLUSION to the
English NATION.*

Compare the
Date of the K.
Commissions
with those of
the Parlia-
ment and their
Declarations
on both sides.

TO conclude the series of Affaires and Action on both Parties (especially of late) rightly compared, it appeareth by the sequel, That KING CHARLES the First, from the beginning took up Defensive Armes, to maintain Religion, Lawes, Liberties, and the Antient fundamental Being of Parliaments, and this Kingdome: and that there alwayes was, and now especially is, a predominant Faction in Parliament, (notwithstanding their frequent Declarations, Remonstrances, Petitions, Protestations, Covenant, and Votes to the contrary) conspiring with a Party (especially of Commissioned Officers of the Army) without the Houses, to change the Fundamental Lawes and Government of the Church and Commonwealth, to usurp into a few hands the Supreme Authority, to enslave the People with an Oligarchical, Military, and Arbitrary Government, to raise what illegal Taxes they please, to establish their Tyranny, and enrich themselves and their Party, to oppress, consume and devoure all Men of a judgement contrary to their Interest: to Murder them by new declared arbitrary Treasons, contrary to the *Stat. 25. Edw. 3.* for ascertaining Treasons: to Disfranchise them of their birth-rights, and make them *Adscriptio Glebae*, Villains Regardante to their owne Lands, which the Nobility, Gentry, and Yeomanry plough, sowe, and reap, whilst Brewers, Dray-men, and Coblers eate

cate, drink, and play upon the sweat of their Labours; and are the Usufructuaries of their Estates. All which they have lately brought to passe, wherefore let all true Englishmen (as becomes good Christians, good Patriots, and gallant Men) claim their Birthrights; and with one voice cry out,

1. *We will not Change our Ancient, sealed, and well-approved Lawes to which we are sworne.*

2. *We will not Change our Ancient and well-tempered Monarchy to which we are sworne.*

3. *We will not change our old Religion for New Lights and Inventions.*

4. *We will not subject our selves to an eighth part of one Estate or House of Parliament, sitting under a force, and having expelled two hundred and fifty of their Fellows (more Righteous then themselves) by force, and usurping to themselves the Supreme Authority.*

5. *We will not be subjected to a new Supreme Authority usurped by fourty ambitious, covetous Tyrants, arrogating to themselves to be a Council of State, and designed to supply the room of Parliaments, under what name or title soever they shall mask themselves.*

6. *We will not submit our selves to a Military Government, or Council of Officers.*

7. *We must and will have A KING, and The KING* See the Stat. of Recogniti-
whom the Lawes of God and this Land have designed to us, we on, i. Jac. and
being by the Oaths of Allegiance, Obedience, and Supremacy the Oaths of
sworne to beare faith and true Allegiance to KING Allegiance; O-
CHARLES the First, his lawfull Heires and Successors. bedience, and
Supremacy.

Hic telum infigam, moriarque in vulnere —

Post-

Postscript.

REader, at the latter end of my First part of *The History of Independency*, I have presented to thy consideration some General Conclusions arising out of the Premises: the same Conclusions do as naturally arise out of the Premises of this Second Part of the History, and do as aptly serve to illustrate this Second, as that First part; wherefore to that First Part I send thee for opening thy understanding.

When our old Lawes run again into their Ancient Channel, and the Sword of Murder is sheathed, and the Sword of Justice drawn, the Author engageth to publish his Name and Apology, and shew what he hath done and suffered for the Parliament and Kingdom.

THE END.



TO THE
READER.

READER, having spoken to thee in the *First Part*, I might have forborn thee in this *Second*, did I not feare to seem guilty of the sullenness and malignity of these times. The subject-matter of my Book is a Combination or Faction of *Pseudo-Politicians*, and *Pseudo-Theologians*, *Hereticks*, and *Schismatics*, both in Divinity and Policy; who, having sacrificed to their Fancies, Lusts, Ambition, and Avarice, both their God and Religion, their King and Country, our Laws, Liberties and Properties, all duties Divine and Humane, are grown so far in love with their prosperous Sins, as to entitle God himself to be Father and Author of them: from whose written Word and revealed Will held forth to us in the Scriptures as the only North Pole and Cynosure of our Actions (where they find no warrant for their doing) they appeal to the secret Will and Providence of God, to which they most Turkishly and Heathenishly ascribe all their enormities, only because they succeed: and from that Abyss of Gods Providence, draw secondary principles of Necessity and Honest Intentions; to build the *Babel* of their confused Designs and Actions upon; not considering that wicked Men perform the secret Will of God to their Damnation; as good Men do the known Will of their Father to their Salvation; If a Man lie sick to death, and his Son wish him dead, this is Sin in the Son, although his desire concur with the Secret Will of God, because the Son ought to desire the preservation of his Fathers life;

whereto the Will of God revealed in his Word obligeth him: and, *vivendum secundum Præcepta, non secundum Decreta Dei*; The secret Will and Providence of God can be no rule and law of our Actions, because we know it not, nor can search into it without presumption: We must not therefore, *alium sapere*, think our selves too wise and well-gifted to tie our selves to the Scripture of God; and lust after Revelations and Inspirations; expecting God should rain Bread from Heaven for us, (*Manna, Exo d 16.4.*) but be wise unto Sobriety. But, *prosperum scelus, virtus vocatur*: Thus casting off the written Word of God (unless where by an enforced Interpretation they can squeeze Atheisme and Blasphemy out of it (as they do sometimes rack Treason, Murder, and Non-sense out of our Laws and Parliament-Priviledges) conducive to their ends, they insensibly cast off God himself, and make themselves both the supreme cause and final end, the *Alpha* and *Omega* of all their doings, whilest they use the hidden and unsearchable Providence of God, but as a Disguise and Vizard to mask under, like *Cælius* the Atheist in *Martial*. Prosperity is become a snare to them, and a Topick place out of which they draw Arguments to satisfie themselves there is no God, no Religion, but a prudential one to fool the people with.

*Nullos esse Deos, ivane Cælum,
Affirmat Cælius, probatque,
Quod se videt, dum negat hæc, beatum.*

But O wretched unholyed men! What are they that thus commit Burglary in the *Sanctum Sanctorum* of Gods Providence? That presume not only to pry into, but to thrust their hands polluted with blood and rapine into Gods mysterious Ark? Thus much for the subject-matter. For the manner of my writing, I confesse, as to the
Stile,

Stile, it is not *equabile scribendi Genus*, all of one weaving and contexture: It is a History writ with a Satyrique style and veine:

— *Nam quis iniqui;*

Tam patiens orbis, tam ferreus ut teneat se?

It is a virtue to hate and prosecute vice. The Scripture tells us, *there is a perfect hatred, a Holy Anger*. And our Chaucer tells us, *The words must be of kynne unto the deeds*: otherwise, how can they be expressive enough? I detest *vitia pulcherrime manganizata* vice trick't up in virtues raiment; and prostituted under her modest dresse to stir up Adulteries. *Quicquid agunt homines nostri est farrago libelli*. An huge Gallimaufry, an *Oglio* of all villanies I here set before thee: it cannot be all of one dressing and seasoning, it must be a mixture, a *Hozo* of all Relishes: like *Manna* in the Wildernesse, it must be applicable to all palates: wherefore according to the variety of every present subject-matter, *vel videnti video, vel flenti fleo*, I become all things to all Men, I assimilate my affections and humours to every Mans humour as well as to the present Theme; that I may take every Man by the right hand, and lead him out of this *Ur* of the Chaldeans, this Land of *Egypt*, this House of Bondage in judgement and conscience, though not in person and estate: which must only be the mighty handy-work of that God who is able to divide the Red Sea, and give us a safe march through it upon dry Land.

Which that he would vouchsafe to do let us all joyne our hearty prayers, and that we may instrumentally serve him in it, let us all joyne our heads, hearts and hands together, since God neglects faint-hearted and cowardly prayers: Let us not lie in the Ditch, and cry, *God help us*, But let us help God to help us: and keep *cor unum, viam unam*, in the doing of it.

The Ordinance passed, 20. Aug. 1647. To null and void all Acts, &c. passed under the force of the Apprentices.

Die Veneris 20. Aug. 1647.

An Ordinance for Declaring all Votes, Orders, and Ordinances passed in one or both Houses, since the Force on both Houses, *July 16.* until the 6. of this present *August 1647.* to be null and void.

VV Hereas there was a visible, horrid, insolent, and actual force upon the Houses of Parliament, on Monday 26. July last; whereupon the Speakers, and many Members of both Houses of Parliament, were forced to absent themselves from the service of the Parliament: and whereas those Members of the House could not return to sit in safety before Friday, the 6. August. It is therefore Declared by the Lords and Commons in Parliament assembled, that the Ordinance of Monday 26. July, for the Repealing and making void of the Ordinance of the 23. of the said July, for setting off the Militia of the City of London; being gained by force and violence; and all Votes, Orders, Ordinances, passed in either, or both Houses of Parliament, since the said Ordinance of the 26. of July, to the said 6. of August, are null and void, and were so at the making thereof, and are hereby Declared so to be, the Parliament being under a force, and not free: Provided alwayes, and be it Ordered, That no Person or Persons shall be impeached, or punished for his or their Actions, by, or upon, or according to the aforesaid Votes, Orders, or Ordinances, unlesse he or they shall be found guilty of contriving, acting, or abetting the aforesaid visible and actual force; or being present at, or knowing of the said force, did afterwards act upon the Votes so forced, or were guilty of entring into, or promoting the late Engagement for bringing the KING to the City, upon the Termes and Conditions expressed in his Majesties Letter of the 12. of May last.

John Browne, Cler. Parl.

THE

THE SECOND PART
OF
The History of Independency.



Y first Part of Relations and Observations
Historical and Politick upon this present Par-
liament, begun Anno Dom. 1640. Anno Car.
primi. 16. is divided into two Parts or Books
[*The Mystery of the two Juntoes, Presbyterian*
and Independent] wherein I shew with what

I
The Proem.

art (to advance their designs) the Grandees divided the
Houses into the said two Factions; which Factions enter-
taining the Quarrel in earnest, their respective Grandees
were forced to turn their jest into earnest too, for up-
holding their Authority, with their several Parties: not
unlike Butchers, who, in a Country Market set their Dogs
together by the ears in sport, and at last own their Dogs
quarrel themselves in earnest. The second Book is [*The*
History of Independency] wherein I shew the Rise, Growth,
and Fraises of that Party; which being full of schismatical
quick-silver, restless and stirring, and tenable by no Oaths,
Principles, Promises, Declarations, nor by any obligati-
ons or Laws, Divine or Humane, doth now enjoy the fruits
of their perfidiousness and treachery, a Conquest gotten
over their Adversaries by pretending, protesting, and false
promising, which they attribute to the bounties and Mercies
of God: and from the success of their villanies argue
most Turkishly his blessings over them; and as Jewishly ar-
rogate to themselves to be the peculiar People and Saints
of God, although hee useth them but as a Rod in his hand
to scourge the sins of the other Party, and of the whole
Kingdome. It is the usual method of Gods justice not
onely to punish one sin by another, but one Sinner by ano-
ther; nay, a lesser Sinner by a greater, and at last to receive
the humble and corrected Sinner into *Abrahams* bosome,

and cast the insulting Executioner of his wrath into the fiery furnace of his anger. In my aforesaid [*History of Independency*] you have that Faction conquering: In this *Continuation or Supplement* of the said History, I represent them to you triumphing, using and abusing their Victories to the dishonour of God, destruction of the King, begging and enslaving of the Kingdome, depriving us of our Religion, Laws, Liberties, and Estates, and consequently, making our Wives and Children the objects of our fear, despair, and ill boding doubts, not the objects of any comfort and joy we can take in them, whose miseries we foresee, but cannot help. When I consider the intricacy of this my undertaking, how perplexed it is, how intangled with various changings, counterchangings, revolutions, revoltings, and betrayings of Parties (such are all Civil Wars, but especially those where the most uncivil and barbarous sort of men, the dregs and lees of the People swim a top) how full of divisions, and subdivisions; inso much that they who are Friends, and hold together in one Interest or Faction, are Opposites in another. Methinks my labour is as vain as his that attempted to take the Picture of *Proteus*; or his, that endeavoured to shape a Garment for the Moon: When God brought a confusion but of Lips and Tongues upon *Babel*, what man was able to reduce them into order again? But God hath brought upon us a Confusion, a *Babel*, not onely of Lips and Tongues, but of Heads, Hearts, Hands, &c. What Historian can finde a method in so universal a *Chaos*? can draw light out of so palpable a darkness? Besides, I foresee my reward to be envy, hatred, malice, contempt, slanders, sequestration, beggery, imprisonment, and at last an Arbitrary death without any legal trial, proceedings, Jury, Judges, or Court, or any known established Law to judge by, *Obsequium amicos veritas odium parit*. I have already followed truth so near at the heels (although but a private retainer to her) that almost all my teeth are secretly stricken out; what dare they not now do openly against me? since by murdering our King, dis-inheriting his Posterity, subverting Monarchical Government, abolishing the House of Lords, and perverting the House of Commons, setting up new Representatives,

tatives, with Supreme and Legislative Power, and new Courts and Jurisdictions against all Laws, they Proclaim themselves Conquerours of King, Parliament, and Kingdome, Victors of our Religion, Laws, Liberties, and Properties, and Triumphers over our Persons, Wives, Children, and Estates? since they profess their will and power, to be the onely Laws and Rules of their doings, and our sufferings. But when I consider, that as no mans innocency, so no mans reservedness can protect him; but that some men must dye (according to *Catilines* rule) to make up the number, others to multiply confiscations, others to satisfy private suspicions, malice, and revenge, and they must dye to cement and foment this new erected Tyranny with their blood, I thought it as easie and more honourable to dye waking and working for my God, my King, and Country, than to dye sleeping, and have my throat cut in a Lethargy. I know these Schismatics thirst as much after blood, as they hunger after money: and I am sure to be involved in the common and inevitable ruine of my Country, why should I not rather perish for it now, then with it hereafter? It is more manly, more noble, more Christian; *Dulce & decorum est pro patria mori*, was the saying of an Heathen, why not of a Christian? Religion, Laws, and Liberties, lye now at stake, why should not I come in for a Gamester? It is a mixt cause, and he that dyes for it is a Martyr. He that fears Death, must be a slave to those Tyrants that carry the Sword; he that fears Poverty, must be a Villain to those *Judas*es that bear the Purse; but hee that fears God, will borrow strength from him to condemn them both: Thus putting my trust in God, I put Pen to Paper, and put my life into the scales, where God (I know) holds the ballance; he whose providence takes notice of a Sparrow falling from the house-top, will watch over me, and either protect me against them, or receive me from them.

Cromwel, and *Ireton* (by advice of their thriving *Junto* of Independents in the two Houses) having mutinied the Army against their Masters the Parliament, found that crime could not be defended but by committing greater; wherefore they seized the Kings person at *Holdenby* to gain Authority with the People, that they might the better subdue the Parliament to their lusts:

B 2

²
An Introduction
to the History
of the History
of Independency, sect. 7.
8, 9, 10, 11, 12
for & 14.

4
Sect. 18, 119. for the better expediting whereof, they courted the City of London to sit Neuters, and let them work their wills with the Parliament; which Myne not taking fire, they united the schismatical party of the City and Country to them, and all such as being guilty of publick cheats and spoils, desired the protection of the Sword to make good their rapines, and accounted all men else as Enemies; applying themselves to wooe and cajole the People, easily wrought upon as being weary of the War, and of the mis-government, Factions, confusions and oppressions of their new Masters the Parliament, which indeed were very great, but aggravated by them and their Agitators beyond the truth: and the whole weight of them charged upon the more moderate and innocent party (onely because they were their Opposites) whereas had they set the saddle upon the right horse, as sure as *Judas* bore the Bag, the Independents must have rid before the Cloakbag; they being the Publicans and Sinners that handled most publick treasure. The Layers on, Exactors, Treasurers, &c. of Taxes, the far more numerous and busie party in all Mony-Committees, and gainful employments, Engrossers of all great Offices, and the greatest sharers of publick money amongst themselves for Compensations for Losses and Rewards for Services pretended; and consequently, that Faction were the greatest Dilapidators of the Commonwealth, Oppressors of the People, and Authors of confusion, though (according to custome) by an impudent fallacy, called (*Translatio criminis*) the Independent Faction lay their Bastards at other mens doors, making shew to redress those faults in other men, which themselves are chiefly guilty of; wherefore the better to ingratiate themselves with King and People, they printed and published Ingagements, Declarations, Remonstrances, Manifestoes, Proposals, and Petitions of their own penning, and sent them by their Agitators and sectary Priests into all Counties for concurrence and Subscriptions, the better to steal the respects of the People from the Parliament to themselves, like *Absalom*, they flattered the People to make Addresses and Complaints against publick Grievances to them onely; Boasting themselves for the sole Arbitrators of Peace, Restorers of Laws, Liberty, and Property; Setlers of Religion, Maintainers of the Privileges of Parliament,
Refor-

Reformers and Callers to Account of all Committees, Sequestrators, Treasurers, &c. Deliverers of the People from that intolerable Excise, and other Taxes: But above all, Preservers of all just Interests, and Restorers of the King to his just Rights and Prerogatives with *honour, freedom, and safety*

to his Person, (originally their own words, though since they Quarrel with Parliament and City for using them) and Reducers of his Queen and Children; without which they openly profess and declare positively in many printed Papers to the world and the Parliament, There can be no settled peace nor happiness to this Nation. The truth of this Assertion was obvious to the meanest Capacities; and will suddenly be proved by dear and lamentable experience. To all these undertakings they now hunt directly counter, yet in pursuance of these undertakings the Army (by their own Authority) made Addresses to his Majesty, and presented to him more tolerable Proposals than any he could obtain from his Parliament: They treated with him, yea, they wrought upon him under-hand to neglect the Propositions from Parliament tendered to him at *Hampton-Court*, and to prefer the Proposals of the Army; and then (presuming they had him fast lymed) they propounded to him anew (as I have it from good hands) private Proposals from the Interest of the Independent Grandees and the Army, derogatory to the Kingly Power and Dignity, to the Lawes, Liberties and Properties of the Subject, and destructive to Religion. To which his Majesty giving an utter denial, they began to entertain new Designs against the Kings Person, and Kingly Government, which they ushered in by setting the Schismatical and Levelling Party on work in City and most Counties, to obtrude upon the Houses clamorous Petitions against further Treaties, and demanding exemplary Justice against the King: exceedingly laboured by

Book of Declarations of the Army, pag. 112.

Represent. of the Army at *S. Albons*, June 23. 1647.

B. Decl. again, p. 64.

Sir *Tho. Fairfax's* Letter to the Houses from *Reading*, July 6. 1647.

B. Decl. again, p. 75.

Proposals of the Army, Aug. 1. 1647.

Putney Projects, p. 13, 14, 43. and my Animadversions upon the Armes Remonstrance, delivered to the Commons, Novemb. 20. 1648.

The second part of *Englands New Chains*; and the Hunting the Foxes from *New-Market* and *Triple heath* to *White-hall* by five small Beagles, p. 6, 7.

See my Animadversions upon the Army Remonstrance, Nov. 20. 1648.

and *Putney Projects*, p. 43. and Major *Huntingtons* Relation in a Book called, *A Plea for King and Kingdom*, in Answer to the Army Remonstr. presented Novemb. 20. 1648.

pag. 14, 15, 16. and Second part of *Englands New Chaines*; and the said Hunting of the Foxes, &c. And the Reasons inducing Major *Robert Huntington* to lay down his Commission.

Cromwel himself in *Yorkshire* both amongst the Gentry and Souldiers, &c. (amongst these the Petition, *D. cemb. 11. 1648.* was the most eminent) these men that insolently petitioned against the fundamental Government of the Land, and peace by Accommodation, were entertained with Thanks; Others that petitioned for Peace by Accommodation were entertained with Frowns, disfranchisings, sequestrations, wounds and death, as the *Surrey Gentlemen*! this shewed with how little reality the over-ruling party in the Houses Treated with the King. In order to this Deligne of laying aside the King, and subverting Monarchy, They 1. frightened his Majesty into the *Isle of Wight*. 2. The Parliament (that is, the predominant Party) pursued him thither with offer of a Treaty upon Propositions: conditionally (that before he should be admitted to Treat) he pass 4. Dethroning Bills; of so high a nature, that he had enslaved the People, subverted Parliaments, and had made himself but the Statue of a King and no good Christian, had he by his Royal assent passed them into Acts of Parliament; and the Parliament (or rather the Grandees) after his Royal assent, might have made themselves Masters of all the other Propositions without his Consent: so that this Treaty was but a flourish to dazle the eyes of the world. His Majesty therefore denied the 4. said Bills, and thereby preserved the legal Interests of King, Parliament, and People: yet the Faction presently took a pretence and occasion thereupon to lay aside the King, by passing 4. Votes for no more Adresses to him; and a Declaration against him: which were not passed without many threats, and more shew of force than stood with the nature of a Free Parliament, the Army lying near the Town to back their Party: the design having been laid beforehand between Sir *Henry Vane Junior*, Sir *John Evelyn of Wilts*, *Nash. Fiennes*, Solicitor *Saint Johns*, and a select Committee of the Army. I told you before, the People had been throughly instructed formerly by the Army and their Agitators, That there could be no peace nor happiness in England, without restoring the King to his just Rights and Prerogatives, &c. notwithstanding which the people now found their hopes that way deluded by the Army and their Party; who had cast off the King upon private discontents, the true grounds whereof did not appear; and

2. part of *Englands Chains* discovered.

1. Treaty in the *Isle of Wight*.

1. part. Hist. Int. sect. 62, 63, 64.

Ibidem, sect.

65, 66, 67, 68,

69, 70, 71, 72,

74, 75. And

my said Ani-

madvers p. 10.

And the 2

part of *Eng-*

lands new Ch.

2 part of *Eng-*

lands new

Ch. discover-

ed, p. 4, 5.

and had obstructed all ways to Peace and Accommodation, and made them dangerous and destructive to such as travelled peaceably in them, witness the sad example of the *Surrey-men, Kent, Essex*; and all to perpetuate their great Places of power and profit. The minds of the people therefore troubled with apprehension that our old Lawes and laudable form of Government should be subverted, and new obtruded by the power of the Sword, suitable to the power and lust of these ambitious, covetous men; and finding besides evident symptoms of a new War approaching to consume that small Remainder, which the last Wars had left, grew so impotent of what they feared for the future, and felt at present (insupportable Taxes, Free-quarter, insolvency of Souldiers, Martial Law, Arbitrary Government by Committees, and by Ordinances of Parliament changed and executed at the will and pleasure of the Grandees, instead of our settled and well approved Laws) that despair thrust them headlong into Arms in *Wales, Kent, Essex, Pontefract, &c.* and at the same time a cloud arising in *Ireland*, a storm powred in from *Scotland*, and the *Prince* threatening a tempest from Sea; these concurrences looked so black upon the Independent Grandees, that they gave way to a second mock-Treaty in the *Isle of Wight*; which was the fruit of their cowardise and subtilty; as appears by Sergeant *Nicholas* (a Creature of theirs) who (upon *Saturday, Octob. 28. 1648.*) moved in the House, *That the Lord Goring might be proceeded against as a new Delinquent out of mercy, because he had Cudgelled them into a Treaty*; though now they attribute all to the Kings corrupt Party in the two Houses: the Army likewise kept a mock-Fast or day of Humiliation at *Windsor*, to acknowledge their sins, and implore Gods mercy for their former disobedience to the Parliament in not Disbanding, and their insolent Rebellion in Marching up in a Hostile and Triumphant posture against the Parliament and City, *August 6. 1647.* promising more obedience hereafter, and to acquiesce in the judgment of the Parliament, and Declared, *That it was proper for them to act in their own sphere as Souldiers, and leave State affairs to the Parliament*: but this was done but to recover the good opinion of the people and City, and to keep them from stirring, and to stay the moderate

2. Treaty in
the Isle of
Wight.

Decl. Jun. 14.
1647.

rate Party of the two Houses from Declaying the Army Enemies, recalling and Voting their Commissions, and established Pay void, which they might have done with ruine to the Army and their Party in that Conjunction of Affairs, and with safety to themselves, and applause of all honest men of *England* that had taken part with the Parliament from the beginning; had not some Grandees of the rigid Presbyterian party (both within and without the Houses) some cursed thing, some *Achan* wedge in their bosomes which suggested, Their sins were greater than could be forgiven; and therefore they durst not cast down the partition-wall between them and the King (this Army) though it lean so hard upon them, it is ready to overwhelm them: War is necessary for some men of every Faction, whose crying sins peace will lay open and naked to the scorn, derision, and detestation of the world. How well these sanctimonious Sword-players of the Army have observed the Duties and Undertakings of their said Humiliation, let the world judge: Have they not returned again with the Dog to the Vomit? have they not cozened God, and their own Soules? Sure they fasted from sin then, that they might sin with the more greedy appetite now; and asked God forgiveness of the old score, that they might sin again upon a new score. Thus you see the two Treaties in the *Isle of Wight* were begotten by fear and (that Idol of the Independents to which they offer up all their knaveries) necessity. They were Cockatrice Eggs laid by their Grandees when they had been Crow-trodden by Armies from abroad, and Tumults at home; upon which they sat abroad onely to hatch Scandals and new quarrels against the King, Anarchy and confusion to the State, and Tyranny and oppression of the People: to set up the Olygarchy of the Saints, or Council of State, the Kingdom of the Brambles, which since doth scratch the wool from off the skin, the skin from off the flesh, and the flesh from off the bones. I have been compelled to use some introductory Repetitions in this part of my discourse, that I may give you the whole mystery of the 2. Treaties with the King in the *Isle of Wight*, with the causes efficient, and final of them, under one view; lest some one link of the Chain escaping your observation, it become a Chain of errors to you.

My

See my 1. part
sect. 65, 66,
105, 106, 107,
and the Con-
clusions there.
Sect. 16, 17, 18.

My first part of the *History of Independency* ends with that which was but an unlucky preface to a Treaty with the King; namely, *Cromwell's* menacing Letters to the Speaker of the House of Commons, dated *August 20. 1648.* Relating his easie purchase of a great Victory over Duke *Hamilton*, and Lieut. Gen. *Bayly*; wherein he relates the number of the Scottish Forces, farre differing from the former Report of Lieut. Col. *Osborne* a Scottish Gentleman, made in the House of Commons, *July 20.* (whereof I have spoken in my first part) who (to take away the terror of them) elimated *Hamiltons* and *Langdales* conjoynd forces to be but 10000. and it was then thought a note of disaffection to report them any more; but this Letter (for the greater glory of his sanctified Army) multiplies them to be 21000. The manner of the Fight was very strange and Exceedingly to be suspected (especially by any man who hath heard or read of *Bayly's* former demeanour in his own Country at *Kylsythe* and *Anfurte Kirke*) It was little better than a beating up of Quatters for 20. miles together (for so far the Scots Army lay scattered in their Quarters, the Horse so farre distant from their Foot, they could bring them no seasonable reliefe) Sir *Marmaduke Langdale* with his small Party drew forth, and made an honourable resistance, had he been timely and strongly seconded: on the Scottish Party the Fight began at *Preston* in *LANCASHIRE*, where the Duke being worsted, retreated to *Wigan*, from thence to *Warrington* thorow *Lanes* and *Fastnesses*, where *Bayly*, Lieut. General of the Scottish Foot, being strongly quartered upon a Bridg and Passe, yeilded up 6000. Foot and Armes without fighting, and so ruined his whole Infantry: from *Warrington* the Duke fled with 4000. Horse to *Namptwich*, from thence to *Utoxeter*, where his manner of yeilding himselfe to Colonel *Wayte* (a Member of the House of Commons) take out of *Waytes* owne report in the House, who said, *the Duke yeilded simply, and without any Articles of Surrender; that he voluntarily gave him his Sword, Scarfe, Signet of Armes, and his George; that he hung upon him so that he could not get from him, desiring him to secure him from the rage of the Souldiers; saying, He had not come into England, but that he was invited by a greater part of Lords, Commons, Citizens and Covenanters then called in the last Scottish Army: presently the Bloud-*

3.

*Hamilton over-
throwne.
See my 1. part.
sect. 136.*

sect. 110, 111.

hounds of the Faction in the House sented this, and called upon *Wayte* to know whether he named any? *Wayte* Answered that *Hamilton* was a subtil, politique Lord, and no doubt (for the saving of his owne life) would do that in more convenient time. Hereupon a Committee (all of Canibal Saints) was presently packed, and ordered to go downe and examine the Duke, but no particulars could they get from him: which was an honourable silence, and made amends for his former lavish speech. It was happy the Prince did not trust himself in the Head of this Army. Had *Hamilton* marched immediately to *Colchester*, or but to *Pontefract*, (which he might easily have done, *Lambert* his onely Opposite still retreating before him) the whole Country had risen with him. But he knew the Presbyterian party had rendred themselves contemptible, and he as much contemned the Independents, therefore he foreflowed his march, willing *Cromwell* and *Fairfax* should subdue all other Parties, and that he onely might have Armes in his hands to bring in the King upon his own tearmes, this over-confidence undid him: He was too much a States-man, and too little a Souldier.

4. This Victory did worke like Botled-Ale with *Scot*, *Thomson*,
The insolvency of the schismaticall Members
Cornelius Holland, Sir Henry Mildmay, and many others of the light
headed Saints, who were so puffed up with the windiness of it,
upon report of that they began to swell with disdain and malice against the
the Victory. Personal Treaty, and to threaten and insult over all that had ei-
ther Petitioned for it from abroad, or spoke for it in the House, as
the only meanes of peace and a settlement.

5. But the wiser sort (more crafty to doe mischief) knowing
The wiser sort
subtly contrive a mock-Treaty.
that the people were weary of Taxes and the Army; and had
no hopes of peace but by a Personal Treaty; and were resolved
to purchase peace, although at the price of a new VVarre, that
Colchester, *Pontefract*, *Scarborough*, and a Castle or two in *Kent*
were not yet reduced, the people in *Wales*, *Kent*, *Essex*, the *North*,
not yet settled in such a calme, but that a new storme might arise:
a considerable party of the *Scots* yet unbroken in *England*, and
fronting *Cromwell* and *Lambert*, under the Command of *Monroe*,
a daring, knowing, and uncorrupted Commander; *Scotland* it
selfe not yet assured to them: and above all, the *Prince of Wales*
with a strong Fleet at Sea, likely to raise new tempests at Land,
had

had he landed some men in *Kent* or *Essex*, to gather up the malecontents there but newly scattered and broken, and ready to adhere to any Party to defend themselves from the fury and rapines of their Committee; *Warwick* but a fresh-water Admiral, lying in the *Thames* under Protection of the Block-houses, and relying upon Land-souldiers, to awe the Mariners from mutinying; a cloud arising in *Ireland* ready to break into a storme: upon these considerations, the Cabal or close Junto of Grandees thought fit to dally on the Treaty, the better to keep the Prince quier, in expectation thereof, and gain time to work upon his Seamen, (already corrupted with want of work and pay) and to gull and pacifie the rest of the Members and People, (not patient of a sharper remedy,) until *Oliver* had quite finished his Northerne work, and marched nearer *London*, *Celchester* reduced, and the *Princes Fleet* retired to Harbour to avoid Winter, and then to break off the Treaty, and purge the House of those Members that sought Peace by an accord with the *King*, under the notion of the *Kings corrupt party*; to blinde their eyes therefore, the Speaker *Lenthall* (though at this time the Fore-man of *Olivers* shop) when it was debated in the House, *Whether a Treaty should be had with the King in the Isle of Wight upon the Propositions of Hampton-Court?* The Question much opposed, and at last put, the *Noes* and the *Yeas* were equal, 57. to 57. insomuch that the Speakers voice was put in to turn the Scales; he gave his voice in the affirmative, that time following his conscience against his Interest, and my Lord *Say* (openly in the House of Lords) said, *God forbid that any man should take advantage of this Victory to break off the Treaty:* and the *Armies Scout*, from Tuesday Novemb. 14. to Novemb. 21. 1648. propounds three Riddles to the Reader, 1. *Why the Grandees of the Junto that use to rule the Army are the most active Solicitors for an Agreement of the Parliament with His Majesty when then the Army are acting to the contrary?* 2. *Why His Majesty, stumbles only at the matters wherein the Presbyterian Interest are concerned, when that Faction is the only visible prop to His Life, Crown, Dignity, and dying Interest?* 3. *Why the Souldiers Petitions for Justice upon his Majesty were ill resented, and they thought worthy to be tried by a Councel of Warre, as Offendors, yet a Remonstrance was then framing by the Grandee-Officers to the*
same

same purpose, and much more against the present Authority? and in this the Generall concures.

6.
New Instru-
ctions to Ham-
mond in order
to the Treaty,
sec. 1. 32.

The next thing taken into consideration in relation to the Treaty, was, the giving new instructions to Hammond the Head-Goaler, how to demean himself in the Treaty, which had formerly been Voted to be in the *Isle of Wight*, with honour, freedom, and safety to his Majesty: The Instructions were, 1. That the King should enjoy the same liberty during this Treaty that He had at Hampton-Court. 2. That no person excepted out of mercy, none now Imprisoned by the Parliament, nor none now in actuell Armes against the Parliament should be admitted to come to the King. 3. That no foreign Agent should make any Adresse to him without leave of both Houses. Against these Instructions it was argued, That some of them contradicted the former Votes, That the King should Treat in Honour and Freedom, and that He should enjoy the same Liberty He had at Hampton-Court, which could not be so long as He was denied to correspond with other Princes His Allies (with whom He was in league and amity) by their Ambassadors and Agents, a Royalty inseparable from the Crowne, allowed Him at Hampton-Court, and to deny it was implicitly to dethrone Him. To which was answered, That this was true of a King in actuell exercise of his Regall power, which this King neither is, nor ought to be untill He hath given satisfaction to His Parliament: That it was a great condescension in them; and below the Dignity of a Parliament to recal their Votes of Non-Adresse, and put the businesse of the Treaty thus forward; and if He would not accept of a Treaty upon such conditions as the Parliament thought fit, then things would be but where they were. The peaceable moderate Party, perceiving what operation the Scottish Victory had already upon the fancies of those hot-headed Men, knew they must speak mannerly and modestly for feare of correction, and must take what they could, since they could not have what they would. 4. That the King should give His Royall word not to remove out of the Island during the Treaty, nor in 20. daies after, without consent of the two Houses: this was to make his chaines a linke or two longer, yet the King did give His Royall word accordingly.

7.
The Earle of
Warwicks Let-
ter to Derby-ho.
complaining
of his Sea-men.

Thursday, Aug. 24. a Letter came to the Committee of Safety at Derby-House from the Earle of Warwicke, complaining of the perversnesse

perversnesse of his owne Sea-men, and that those with the Prince would not yet stoop to the Gods of Gold, (his owne words) *That some other way must be thought of besides force, to undermine the Prince, that since they had subdued their Enemies by Land, it would be a good preparative to work upon their Enemies by Sea with the same Engine.* You see these Saints having gotten a publique Purse into their hands, are (at the peoples cost and charges) bountifull Corrupters of other mens faith, having none of their owne.

About this time a new kind of pick-lock was invented to open the iron Chests and Counter-Boards of the City; and invite them to throw more money after that they had cast away already in purchase of Bishops Lands; namely, a Committee to consider of a way to secure unto the Purchasers the Money they had already disbursed upon the said Lands; and to remove all impediments in the Sale for time to come. To which Col. Harvey said, *That he had experience in the late defection of the City, when the Men most backwards in the Parliaments service, were such of the Presbyterians as had no engagement upon Bishops Lands; whereas others of the same Party that have interest in the same Lands, are as forward as any the best affected.* Here you see what it is that chaines the affections of the City to this Parliament, and what it is that divides them amongst themselves; self-respects makes them run along blind-fold with the Grandees in any designe or faction. A good bargain makes a bad Man; Harvey needs no other president but himselfe, nor no more visible monument then his exceeding cheap bargain of Fulham-house and Manour; which hath changed him from a furious Presbyterian to a Bedlam Independent.

About this time it was Ordered, *That Commissions should be issued forth into the Northern Counties, to enquire what Damages they have any waies sustained by Hamilton's Invasion?* This device was of a twofold use, 1. To cut off the Scots demands for Money due to them for their last Brotherly assistance, and otherwise. 2. To cajole the poor Country into a believe they shall have reparations against the Scots, and raise them into a clamorous complaint against the Scots; and at last a deadly fend when they shall finde their hopes denied by them and disappointed. In the meane time they are patiently eaten up with Taxes and Free-quarter, and while they looke for what they

8;
A Committee
to make eff-
ctually the Sale
of Bishops
Lands; and
cajole the City.

9.
A Commission
into the North
to enquire
what damma-
ges they have
sustained by
the Scottish
Invasion.

they shall never have, they lose what they have already; This was the much applauded invention of Master *St. Johns* of *Lincolns-Inne*.

10. *Colchester* surrendered, with the sequel thereof.

About this time the newes of the Surrender of *Colchester* inflamed the Antimonarchical faction from a Fever to a frantic Calenture. They yielded to mercy, and within 4 hours after Sir *Charles Lucas*, and Sir *George Lisle* (for the better explanation what Independent mercy is) were shot to death; some attribute it to an old quarrell between him and General *Fairfax*, others think it was done to put an affront upon the King and the Treaty: Colonel *Farre* was likewise condemned by the Council of Warre at the same time, but is reprieved as a witness against the Earle of *Warwicke* when time serves, for when *Warwicke* long since waited at the Commons Door with some Ladies to petition for a Reprieve for the Earle of *Holland*, a Souldier of the Guard insolently told him, *He had more need petition for himself.*

11. Instructions for the Commissioners to Treat with his Majesty.

Instructions for the Commissioners to Treat with the King were Debated. The Independents propounded, *that those Propositions that were most advantageous to the Parliament should be first debated, and if the King did not confirme them all, the Treaty to break off:* But it was held unreasonable in any Treaty, *that one Party should bind himselfe before the conclusion, and leave the other at large, and himself in the lurch;* so it was Ordered, *They should be Treated of in order as they lay, and (according to His Majesties desire) nothing binding to either Party untill all was agreed of.* The next stumbling block cast in the way was, *that seeing 40 daies onely were allowed for to Treat, that they should limit how many daies (and no more) should be spent in Treating upon every several proposition:* But this was looked upon as a cavil to make void the Treaty, and so over-ruled; you see what use these men that gaine by VVar make of their Victories.

12. A Debate what Gentl. should be allowed to attend his Majesty in the Treaty.

The next thing debated was, *the List of such Gentlemen as were named to attend the King in this Treaty:* The moderate Party excepted against *Asburnham* (a great man with *Cromwell*) and *Legge*, as being Prisoner to the Parliament: The Independents excepted Dr. *Shelden*, *Hammond*, and *Oldsworth*, for the same reason; but the next day the Speaker moved, that *Legge* and *Asburnham*

burnham might go to the King; and to satisfie such as had objected their Imprisonment against them, the Independents alleaged they were unduly imprisoned, and moved, a Committee might be appointed to examine the cause of their Restraint: but the moderate alleaging the same reason for the said three *Dollors*, and making the same motion for them, there was no farther proceedings therein.

Thus farre I have briefly set downe the Preparations towards a Treaty; the Treaty it selfe between the King in the *Isle of Wight*, and the Parliaments Commillioners; their Reports of the Results to the Houses; and the Houses Debates and Votes upon them took up almost all the time until the 6. *December*, 1648. (some few busineses of no great moment intervening) many imperfect and partial Relations of them have been printed *cum Privilegio*; but Mr. *Wm. Fryn* in his excellent Speech made in the House of Commons, 4. *Decemb.* 1648. and since printed, hath set down all the most material Arguments on both sides, with great candor and ingenuity, and hath confuted the Enemies to Peace and Accommodation: if strength of Reason can confute those men that follow only their own Interests of power and profit, whose wills and lusts have alwayes bin their own Lawes, and are now become the only Lawes of this Conquered Kingdome: I love not *actum agere*, I referre my Reader therefore to his Speech, and will only trouble him with some Observations upon this Treaty.

I have said something of the *Militia*, and the Kings *Negative Voice*, in the 11. part of this History, especially in the *Conclusions* at the latter end; I will only say that without them the King cannot be a Governing King, but a bare titular King, a picture, a shadow, because the protection of the people depends upon the power of the Sword; He cannot protect them and their Lawes with the Scabbard: The Authority of the Scepter follows the power of the Sword; wherefore to give away one, is to lose both, nor can the Subjects be any longer his Majesties Subjects, but Slaves to their fellow Subjects, when so many petty Kings (not authorized by any Law of God or Man to protect the People) shall hold the Sword over their Heads, and distract them with different Opinions, disagree in Commands, according to the

12.

Master *Fryn* in the House; proving the Kings concessions to be a ground for a settlement.

14.

The *Militia*, and Negative Voice, sect. 62, 63, 64, 106. and the *Conclusions*: 15, 16, 17.

1. part sect. 40.
41, 42.

the variety of their severall lusts, factions, and interests: how can the King according to his Coronation Oath and duty (to which God hath called him) Govern and protect his People, when he hath given away his Sword to a factious Parliament where one Party tyrannizeth over the other, and threatens the other with the longest Sword? how absurd and impossible it is for the Subject to expect protection from one hand, and to swear and pay Allegiance to another hand, that hath divested it self of all power to protect them; let our Lawes, the practice of all Nations and times, and the judgement of the learnedst Politicians tell you, whose Maxime is, *Ille optima est Respublica ubi Princeps quàm maximum potest boni, & quàm minimum mali*; Primò ne nova Tributo indicare, nova vectigalia constituere possit, inconsultâ Republicâ: Deinde legum condendarum anti quandarumque pænes Rempublicam, non unum aliquem Magistratum esse debet potestas; nulla enim in re gravius peccatum admittitur, nusquam graves turbæ minantur quàm hisce de rebus; That is the best forme of Government, where the King can doe most good, and least evill:

1. Let Him be disabled to raise new Taxes, and lay on new Tribute.
2. Let Him not have the sole power to make or repeale Lawes, which ought to belong to the Common-wealth; not any one Magistrate; for no power is more hurtfull to the people, nor stirres more Commotions then these two: such is the Kingdome of England; the King hath neither the power of our Purse, nor the changing of our Lawes in His hands, and if he give away his Sword, he will be such a King of clouts as can do neither good nor evill, like *Rex Sacrificulus* at Rome, *ea summa potestas dicitur, quâ secundum Leges non est major neque par*; such was the Dictator at Rome, he had no equall there; Papp: *cursor dictator*, adjudged to death his Generall of the Horse *Fabius*, for fighting against his command though prosperously; and rejected all appeale to the Senate and Tribunes of the People; yeilding at last onely to their prayers, with this saying, *Vicit tandem imperii majestas*: such is the King of England, the Common-wealth cannot compell him to grant a Pardon, or dispense justice or mercy as they please; the Oath of Supremacy calls Him *Supreme Governour in all Causes, over all Persons*, so doe all our Statutes, to whom in Parliament (which is his highest sphere of majestie) is the

the last appeale by Writ of Error, who is, *Principium, caput & finis Parliamenti*, the beginning, head and end of the Parliament: and therefore he onely calls the Parliament, to advise with him, and dissolves it when he is satisfied: He makes Warre and Peace, See the 1. part of this History, Prolegomena, 1. and is Protector of the Lawes, and of all just interests; onely the policy of the Law disables him to make, repeale, or alter Lawes, or raise Monies without consent of both Houses by Bill passed; (which is but an *Embrio* until he quickens it by his Royal Assent) because this way the King may doe most hurt, and wrong to his people, (as I have already said) it being the wisdom of our Lawes to keep the Sword in one hand, and the purse in another.

The 1. proemial Proposition for *justifying the Parliaments Cause and Quarrell*, and *condemning his owne Cause and Party*, 15. The 1. Proposition for justifying the Parliaments, and condemning his owne quarrell. was a bitter pill; but an earnest desire of peace sweetned it, and guilded it over, and invited him to swallow it without chawing or ruminating upon it: but how devilish, unchristian, and illegal a use the Faction hath made of this extorted confession, let God judge.

Their insisting upon it, *that the King should take the Covenant*, 16. The Covenant endeavoured to be put upon the King. was an error in Policy, whereof the rigid Presbyterians are guilty; they (supposing the King would take it at last) stood upon it, and intended thereby to joyn the King to their Interest and Party. The more subtil Independent knew the King would not, nor could not take it; and therefore complied with the Presbyterians in obtruding it upon him, to break off the Treaty: many things in the Covenant were vaine in the Person of His Majesty, as, *that He should swear to maintain his owne Person, &c.* which the Law of nature binds him to without an Oath, which in this case is idle, and a prophaning of Gods name: some things in the Oath were contradictory to what the Parliaments Propositions desired of him, as, *to maintain His own Authority in defence of Religion, Lawes, and Liberties*, which was impossible for Him to doe unlesse he kept the *Militia* in his owne hands, and his *Negative Voice* also, which that clause in the Bill of *Militia*, *That all Bills for leavying Forces should have the power of Acts of Parliament, without the Royall Assent, &c.* would have deprived him of, by making their Ordinances Acts of Parliament in effect,

binding to the Persons and Estates of the People in an Arbitrary way, to their utter enslaving: *To swear to Abolish Bishops, &c.* was against his Coronation-Oath, *To swear to extirpate Heresies, Schismes, &c.* is more then the Independents would permit; *To swear to maintain the Union between the two Nations*, which the Parliament declare already to be broken by the Scots Invasion, is vaine: besides, how unjust a thing was it to impose that Oath upon the King, when most Members of the Parliament, Army, and others, are left at large not to take it? The Parliaments Demands, *That the King should declare against the Marquess of Ormonds proceedings to unite all the Interests of Ireland for the service of his Majesty*, was no part of the Propositions upon which the Treaty was begun, but a subsequent request upon an emergent occasion; and therefore I see no reason why the King should have given any answer to it, but onely have held himself to the original Propositions, yet he did Answer, *That the whole busynesse of Ireland was included in the Treaty, and therefore a happy Agreement thereupon would set an end to all differences there*, which being voted *unsatisfactory*, and moved that a new Declaration might be published against him; the King was forced to put a stand to the Marquesses proceedings by his Letter, to his great prejudice; yet these Declarers against him do now comply with Owen Roe Oneale, and have entertained O'Realy, the Popes Irish-Vicar-general in England, to negotiate for the Irish massacring Rebels with the Parliament: These things considered, prove what I finde in our late King Charles the 1. most excellent Book, Chap. 18. *That it is a Maxim to those that are Enemies of peace, to ask something which in Reason and Honour must be denied, that they might have some colour to refuse all the rest that is granted.* More observations upon this unlucky Treaty I will not trouble my Reader with, these being enough to shew the vanity of those Propositions; by these he may take a scantling of the rest *ex pede Herculem*. I cannot but blame the indiscretion, if not the indisposition of those Commissioners who cavilled away so much time in the Treaty, until Cromwell had done his work in the North, and marched up to Towne to make the Treaty ineffectuall.

About the latter end of Octob. 1648. Col. Jones sent whining Letters

17.
Jones complains by Letters that Ireland was like to be lost.

Letters from *Dublin*, to the Steersmen at *Derby-house*, complaining that *all Ireland* was like to unite and prosecute the *Kings Interest*, and therefore he cried for help; but neither the said Committee, in their consultations, nor the Army in execution of what was resolved, could agree amongst themselves: the Engrossers and Monopolizers of Oligarchy into a few hands, desiring to make themselves a Corporation of Tyrants, suspect an opposition from the Levellers; and would faine turn them out of the Kingdom, into *Ireland*, to seek their fortunes, and practice their Levelling principles in a strange Land: The Levellers (more numerous in the Army, though lesse numerous in the said Committee) strain courtesie with their Betters, and would have them go first, thinking the seeds of liberty and equality will prosper better in the soyle and aire of *England*, While they were disputing, if Marquesse *Ormond* had been acting (as he had been, had not the King been necessitated to retard him, by his said Letters, sent from the *Isle of Wight* during the Treaty,) the King had recovered that Kingdom intirely to himself, which had bin of great advantage to him.

The 20. *Novemb.* 1648. Col. *Emers* with seven or eight Officers more, presented at the House of Commons Barre a thing called (by those that use to miscale things,) *An humble Remonstrance of the Army*: It is founded upon these five Anarchical Principles. 1. *That themselves and their faction only* (whom they call exclusively, the Well-affected, Godly, Honest Party, the Saints) *are the People of England*; all the rest but Philistines, Amorites, or (at the best) but Gibeonites. 2. *That their Interest only is the publick Interest of the People.* 3. *That the People* (that is, themselves) *are the only competent Judges of the peoples safety* (contrary to the Lawes and Practice of all Nations, which bestow that Prerogative only upon the Supreme Magistrate) but it may be herelies hid another subsequent principle, *That they are the Supreme Magistrates, armed with Supreme Authority, as well as with their Swords*, and hereupon, they as good as tell the House, *That if their supposed dangers be not removed, and those remedies which they Remonstrate admitted, they shall make such appeal to God,* (that is, their Sword) *as formerly they have done.* 4. Principle is consequential to the 3. *That they may drive on their designe* (upon pretence

of necessity, self-preservation, honest intentions, providence, or revelation) against all Powers, Formes of Government, and Lawes whatsoever, under colour of the much abused Maxime, *Salus Populi Suprema Lex esto*, the safety of the People is the Supreme Law, which hath been the fruitful Mother of many Rebellions in all Ages, to serve the corrupt ends of ambitious Persons, who usually fish in troubled waters to attaine to those ends which they could never arrive at in settled Governments. This is a Principle, or new light discovered by Major Huntington, That it is lawfull to passe through any formes of Government, for accomplishment of their ends, and therefore either to purge the Houses, and support the remaining Party by power everlastingly, or put a period to them by force: and themselves employ as much in this Remonstrance, p. 45. saying, *It cannot be safe to accommodate with the King, because if He returne, and this Parliament continue long and unlimited, He will make a Party amongst them; He hath bid faire for it among the Commons already, and the Lords are his owne out of Question; and therefore we dare not trust the King amongst them.* Again they say, *That if the King come into the Parliament, He will be looked upon as the Repairer of breaches, Restorer of trade, peace, plenty, &c. and if the Army should keep up (as it must) upon Taxes, the Houses and Army will be looked upon as Oppressors; and the jealousies and discontents of the People be increased against them, and make them apt to joyne issue with the Kings interest, and may yeild us up a sacrifice to appease the King and his Party; out of these words, and their owne practice, I concluded for them, ergo, They may carry on their designe upon necessity for self-preservation, against the Monarchical Government, and Law of the Land, to murder the KING, as they have since done.* Again they say, *If the King were returned, each Party would strive first, and most to comply with Him, ergo, there is a necessity to subvert the Kingdome and murder the KING.* Behold what use these cowardly Saints make of necessity, and self-preservation. 5. *That they may appeale to their Sword against the Authority of any their Governours, in order to publique safety;* which two last conclusions set the door wide open to Faction and Rebellion; since the People are ever floating and given to change, and every turbulent ambitious Fellow, is apt to raise them into a storme against their Governours, for their

their fabulous assertions wherewith these Saints usually guild over their soule actions, 1. *That the Houses were free when they passed the 4. Votes for Non-Addresses.* 2. *That they were not free when they recalled them.* 3. *That the People were quiet and contented untill the recalling those 4. Votes; and afterwards were unsettled, and presented clamorous Petitions.* 4. *That the Army did not apply themselves to the King untill he proffered himself to them.* 5. *That when they made Addresses to Him, it was but to prevent the Presbyterian Party.* But it appeares, their ayme (from the beginning) was to suppress the Presbyterian, and advance their owne Party, and lay by the King, and domineer over Him and the Kingdome; for when Cromwel had brought his Designe to perfection, he said at Kingston, *That he was as fit to rule the Kingdome as Hollis.* 6. And then but hypocritically. All these are sufficiently confuted in my said *Animadversions*, and in the said Plea, for the King and Kingdome, in *Putny Projects*, and in my *First part of the History of Independency*. After all this tedious stuffe aforesaid, they make Propositions to the Parliament of two sorts, all founded upon the said five Antimonarchical Principles; The first for *satisfying publique Justice*, (that is, for the Hang-man to teach the Judges who they shall sentence to execution) 1. They demand, *the Person of the King may be brought to speedy Justice*; this affront they put upon the Parliament when they were neer conclusion of their Treaty with Him: when He had already granted more to his Subjects than ever any King condescended to: this is through the sides of the King to give Monarchy, the fundamental Government, and Lawes of this Land; and consequently the Liberty and Property of the People, their Deaths-wound. By the Law of God, nature, reason, and the Lawes of all Kingdomes impunity is an inseparable prerogative of Kings, as they are Supreme in their Dominions; the *Petition of Right*, 3. *Caroli*, Declares, *That they had no power to hurt the Kings Prerogative*, much lesse (I think) to hurt his Person, the Lawes, are the Kings Lawes; Courts the Kings Courts: Judges his Judges; Great Seale, his Seale; Writs, the Kings Writs; Pleas of the Crowne, 1. *Rich.* 1. 2. *Stat.* 25. *Edw.* 3. 42. *E.* 3. Read Mr. *Prynns Memento* to the unparliamentary Iunto, his Speech in the House of Commons, 4. *Dec.* p. 72, 73, 74, 75, 76, 77. and my 1. part, sect. 106. The Conclusions; sect. 17. and my *Animadversions* p. 18.

The Kings Supremacy; and from thence his indempnity proved.

See the Oath of Allegiance, the Stat. of Recognition. 1. *Jac.* *Cokes Instit.* 5. 1. *Stamford's*

the Justice and Peace of the Land are his, consequently the Warrs his Warrs; he is the fountain of all Authority as well as of all Honour; *Thou shalt not speak ill of the Governour of the People*: therefore not accuse him. The King hath no Superiour nor equal in England, contrary to that false distinction of the *Observator*, that he is, *Major singulis, minor universis*. When David would have gone forth to Battel, his Army dissuaded it, using these reasons, *If we flee, they will not care for us, neither if halfe of us die, will they care for us; But thou art worth ten thousand of us*: Here you see the King is reckoned, *major universis*, more than all his Army; and yet that Army was (at that time) in effect, all the well-affected of the Land; and therefore (by the Anarchical Principle aforesaid) the only People of the Land; for further proof hereof I appeal to all our Laws and Statutes, how will they Try him? Who shall Judge him? who are his Peers, that he may be Legally Tried like a Freeborn man (for sure they cannot deny him that right) according to *Magna Charta, per legale judicium parium suorum*? It is a grounded Maxime in our Lawes, *The King can do no wrong*; wherefore then will they Try him, for doing no wrong? The policy and civility therefore of our Lawes, (and of our Parliament too, in all their Declarations, Remonstrances, so long as they continued (in any state or degree of innocency) always accused his Evil Counsellours and Ministers, and freed Himself, lest they gave advantages to ambitious men, *Absalom*-like, to scandalize and dishonour him, and render him low and vile in the eyes of the People; to the disturbance of the peace of the King and Kingdoms, and shaking of the Royal Throne which is alwayes accompanied with an earth-quake of the whole Land. Saint Peter bids us, *Submit to every ordinance of man for the Lords sake, whether it be to the King as supreme, or unto Governours, as those that are sent by him*, for even then he laid the foundations of obedience in *Abel to Cain* & *Eve to Adam*. If a people chuse a King, it is the act of every particular man, of whom the Commonalty consists; and each individual, nor the whole Commonalty can give him more power than himself hath. But no man hath power over his own life, neither arbitrarily, nor judicially; but on'y over his liberty, which he may so give away, as to make himselfe a subject, or a slave, this makes him so chosen a Ruler, or Protector of them, who have parted with their liberty, and subjected to him; and then God, (who only hath power of life and death, invests the King with power to be the Minister of God, to execute vengeance, not bearing the Sword in vain, *Rom. 13*. See Dr. Hammonds Letter to the *L. Fairfax*, Jan. 5. 1648.

As free, and not using your liberty for a cloake of malitiousnesse, but Feare God, Honour the King : But these rebellious Saints abusing Christian liberty for a cloake of malitiousnesse, will (according to their 4th Antimonarchical Principle) make the giddy, ignorant, tumultuous, many-headed multitude Judges of their King, and make the confused Rabble his Superiours, thereby setting up two Superiours one contradictory to the other, and so turn the Kingly Government into a popular Military Government, abolish our Lawes, and leave all to the power of the Sword in an Arbitrary way, to carry on their designe : to which purpose they have lately caused their Journey-men, the present House of Commons, to Vote, (contrary to our knowne Lawes) *That the Supreme Authority of this Nation is in the People of England,* and therefore in themselves as their Representative. This is a 6. Anarchical Principle of the Army and their Party, who wanting reason to prove it, assert it by the Authority of their Mock-Parliament, and must now make it good by the Sword to justifie their proceedings against the King and People. These popular principles are meer empty notions, whereby the Grandees draw the Supreme Authority thorow the People to themselves, the better to enslave them ; for the liberty of the Commons doth not consist in a licentiousnesse to interrupt the Government of their Superiours, and change the Government according to their fancies ; but the liberty of the People consists in the enjoying the fruits of their labours, their goods, possessions, estates, and their personal liberty, according to the knowne Lawes of the Land. When *Hurry Martyn* in *Barkshire* forbade the People to *stand bare at the Sessions, and doe homage and fealty to their Lords* ; he gulled them, and gave them that which was not their due ; to rob them of that which was their due ; their Horses, Goods, Money, plundered from them, for service of the State (forsooth) and beat them that defended their owne ; so that while he flattered them to be the Supreme Authority and Lords Paramount, and the Parliament to be their Servants ; he used them like Slaves conquered by the Parliament. Besides, it is not all the People, nor the thousandth part of them, but a few covetous, ambitious men, that desire to bring the King to capital punishment, and subvert our fundamental Government and Lawes, that have usurped the power

power of the Kingdome into the hands of their Faction, and now require this to keep themselves from being called to account. The second Demand tends to disinherit his Posterity, viz. *That the Prince and Duke of Yorke come in by a day appointed, and acquit themselves of their capitall Delinquency, or else to be Declared incapable of Government, and to die without mercy, if afterwards found in the Kingdome*; this Summons is but to insinuate their guilt; if they refuse to appeare, as reason tells us they must and will. This is to shut the door after Monarchy, and keep it out for ever; in farther pursuance, they demand *the Revenue of the Crowne* to continue still in Hucksters hands to pay *publique Debts*, and repaire the Losses of the People, (that is) themselves. The second sort of Propositions are, for settling of the Kingdome upon their owne Grounds and Interest, *That a certaine period be set to this Parliament, by which time the Supreme trust in them may returne unto the People*: that is, still to themselves and their Faction, the new erected Committee of State, the *hogen mogens* at *White-hall*. Thus you see having removed out of the way the King, the first and most visible legall Authority: they will now put downe the Parliament, the second visible Authority of *England*, who are now the onely Bulwarke against the Tyranny of the Sword, and then (as Major *White* said at *Putney* long since) there will be no visible Authority left in *England* but the power of the Sword, which will introduce a new Parliament, or rather fantastical new invented Representative (destructive to Parliaments) all of their owne Creatures: as appeares by their next Proposition, concerning succession of Parliaments. 2. *That none shall be capable of Electing, or being Elected, that have engaged against the publique Interest*, (that is, the Interest of them and their Party, as appeares by their 5. Anarchical Principles in the beginning of this Paragraph) *nor any that oppose this Agreement*: By what Authority (but the arbitrary sway of the Sword) shall Free-men be Disfranchised, and lose their Birth-rights for not changing the fundamentals of Parliaments, Government, and Law, and

This is so explained by the Moderate (one of the railing Pen-men of the Faction who hath a large share in the 500. or 600.

a year allowed to these Pamphletires, for divulging State-lies and slanders amongst the People) who from Novemb. 14. to Novemb. 21. 1648. Number. 19. doth teach the People of *England* to be onely such as have nor engaged for the King; and such as shall sign to the Agreement of the People, which is to be above Law; and all the rest are to be Disfranchised.

yeilding

yeilding them up to the lusts of an Army of Rebels, that bragge they have Conquered the Kingdome, and we are their Slaves?

3. *That Elections may be so distributed, as to render the House of Commons a Representative of the whole People,* (that is, tagge and ragge and Canting Beggars, who have nothing to give or lose, as well as Free-holders) so farewell Writs of Summons, and all orderly, legal formes; if all men, without any distinction, may Elect, and be Elected, all will fall into confusion; the Rabbie will never agree, all things will tend to Riots and Tumults; so that the better and soberer sort will, and must forbear, and leave all in the hands of the Rascallity, and at last no Representative will be chosen, or such an one as the People will be ashamed to owne, and will desert them, and leave them to be ordered at the pleasure of the Army. 4. *Prop. That our Kings hereafter may be Elective, and disclaime a Negative Voice:* how frequent Civil Warres are in all Elective Kingdomes during the *interregnum*, or space between the death of the old, and choice of the new King, how obnoxious to the Souldiery, let the old Emperours of *Rome*, those later of *Germany*, the Kingdome of *Scotland*, and heretofore *Bohemia*, and *Hungary* tell, all Histories are full of examples; yet if our elective Kings shall have neither the *Militia*, nor a *Negative Voice* in Councils, and the *Crowne Revenues* be otherwise disposed of (as is inferred) and their Heads exposed to the humours of the People, or their Representative, the Office will be so unworthy of any wise man, that I do by these presents freely give my voice to the Lord *Fairfax*, and so unfit for any honest Gentleman; that I do hereby give my voice to *Cromwell* the perfidious Brewer; catch who catch can, let them agree amongst themselves, I care not which of the two shall be set up for the new States Scar-Crow. This *Remonstrance* was about a Week after seconded with a most insolent threatening *Declaration*, composed altogether to terror; it was occasioned as followeth. About the latter end of *November*, the Parliament was informed the Army was upon their march to *London*, whereupon (not without great opposition by the Armies Party in the House, and with great caution it should be mannerly phrased for feare of angering his insolency) a Letter was Voted to be sent the Generall, forbidding his neerer approach. In contempt whereof

the Army immediatly printed the said Declaration, accusing the Parliament of *Breach of Trust, Lightnesse, Inconstancy, Indiscretion*, saying, *They would appeale from them to the People* (that is, still themselves; you see they hold one and the same Rod over King and Parliament) and threatening to *advance presently to Westminster, to doe what God should enable them unto*: The same night they came to *Hyde-Parke-corner*, and kept Guards there: Hereupon it was put to the Question; *That the Armies approach was prejudiciall to the freedome of Parliament?* but through the cowardice of some, whose hearts now began to melt, and the impudent restlesse bawling of those cheating Saints, that comply with the Army to keep themselves from giving Accounts, it passed in the Negative.

19.
The Kings
Concessions
debated; and
young S. Hen
Vanes info-
lency.

Decemb. 2. The Kings Answer was debated; and as a prologue to it, young Sir Henry Vane (a Whelp of the Old Curre) spake thus, *Mr. Speaker, By this Debate we shall know who are our Friends, and who are our Foes; or to speak more plainly, We shall discover who are the Kings Party in the House, and who the Peoples: To which was Answered, That since this Gentlemen were so bold, to deale thus by way of prevention, in a threatening manner, and had forejudged and divided the House into two parts: I hope it is as lawfull for me (who am no Grandee, nor no Gainer by our troubles,) to put you in minde of another Division of the House. Sir, you will find some desirous of peace, and they are Losers by the Warre; Others are against peace, and those are Gainers by the Warre, My humble motion is, that the Gainers may contribute to the Losers, that we may all stand upon equall feete: for till then, the Ballance of the Commonwealth will never stand right towards a settlement. True jests bite fore. He and his Syre oppose peace: lest the Kings Revenue being restored, they should lose a good Trade there: the old Dogge is Chair-man of that Committee; the young one is a principal Publican and Treasurer; they get constantly above 6000*l.* per annum, between them: besides private cheats by paying half Debts, and taking Acquittances for the whole; and then discounting for the whole; buying in old sleeping Pensions for trifles, that have not been payed in many yeares, and paying themselves all Arreares, Cornelius Holland is Servant to them both, and hath gotten as much wealth as makes him sawcy enough*

nough to hire *William Lilly*, and other Pamphletiers to derive his Pedigree from *John Holland Duke of Exeter*, although it be knowne he was originally a Link-boy, but he is now one of the New Lights, an illuminated Brother. Master *Pryn* moved the debate of the Kings Answer might be laid aside until it was a free Parliament not environed by the Army: but (said *Mr. Rich. Norton*) *Take heed what you say against the Army, for they are resolved to have a free Parliament to Debate the Kings Answer, if we refuse.*

This day the General took possession of *White-Hall* for his Quarters, as if he meant to keep out the King in defiance of the Treaty: he brought to Towne with him foure Foot Regiments, and six Regiments of Horse; part whereof quartered at *White-Hall*, the rest in *Torke House*, and other great Houses; the Horse turned the Reformado Horse Guards that attended the Houses, and lodged in the *Mewes* by their order, out of their Quarters, without applying themselves to the Houses.

Upon Monday, *Decemb. 4.* News came to the House that by severall Orders from the Generall, His Majesty was seized in His Bed-chamber, and hurried away Prisoner to Hurst Castle, a Block-house out of the Isle of Wight, standing about a mile and a half in the Sea, upon a Beache full of mud, and stinking oaze upon low tydes; having no fresh-water within two or three miles of it, bitter cold, and of a foggy and pestilent ayre, so noysome that the Guards thereof are not able to endure it long without shifting their Quarter. This was a torment beyond Pistoll and Poyson, many spake against the insolency of this fact, as being committed against the life of the King, and against the honour and publique faith of the Parliament, who had Voted, *He should Treat in Honour, Freedme and Safety, in Newport in the Isle of Wight*; and had accepted His Royall Word *not to withdraw out of the Island during the Treaty, nor in 20. daies after*; (which were not yet expired) and now to have the Houses debates and results fore-stalled, and the Treaty made frustrate by such an act of violence and prevention committed upon the Person of the King, was a presumuous and rebellious act: It was moved therefore *that it might be Declared That his Majesty was removed out of the Isle of Wight by his Excellencies Warrant, without the consent or privy of the House.* But

20.
The Generall
Garrison
White-hall and
the *Mewes* upon
his owne
head.

21.
The House in-
form'd that
the King was
surprized by
the Army, and
carried Prisoner
to Hurst
Castle.

those Members that Idolize that Bell and the Dragon, *the Army*, and are but Priests satting themselves upon the Sacrifices of that Image; insisted upon it to have two words amended in the Question, 1. The word [*Declare*] would be construed to be a Declaring against the General and Army: 2. The word [*Consent*] to be left out, lest it argued a disagreement in opinion and practice between the Army and the House, as if the Houses dissented from it. And certainly those Gentlemen that stood upon these niceties, could not say, it was done with their consent, for-it was hatched in the Junto; so it was barely voted, *To be done without privity of the House*, nevertheless,

22.
The D. bate
upon th Kings
Answers relu
med.

The same day, they resolved to resume their last Saturdaies debate upon the Kings Answers to the Propositions of both Houses: The first Question debated was, *Whether they were satisfactory or no?* The Army Party argued, *They were not satisfactory because the King had not granted all their Propositions in Terminis*: To this was Answered, *That these Propositions were not sent to his Majesty as Bills to be passed in Terminis, without debate: but as Propositions to be Personally Treated upon,* (as the Votes of both Houses, and the Instructions of their Commissioners prove) now it is against the nature of all Treaties Personall, to tie up the Parties of either side so precisely, that they shall have no liberty to vary in any circumstance or particular; so that if all be not precisely granted, the Condescensions shall not be satisfactory, though all just things are yeilded to; as appeares by all Treaties between Nation and Nation where their first demands are never fully granted, but alwaies qualified and limited, if not diminished, the rule being, *Iniquum pias ut justum feras*; so in all Treaties between Enemies, Party and Party, see Mr. Pryn's said Speech, Decemb. 4. 1648. where to avoid cavils, he waves this equivocal Question, and propounds the Question anew in these termes, *Whether the Kings finall Answers to the Propositions of both Houses in this Treaty, considered altogether, be not so full and satisfactory in themselves, that this House may, and ought accept of, and proceed upon them for the speedy settlement of a safe and wel-grounded Peace both in Church and Common-wealth, rather than reject them as unsatisfactory, and so hazard the losse of all, and the perpetuating of our Wars and miseries?* This he held in the Affirmative, with so many strong

strong and solid Reasons, Arguments, and Presidents both out of Divinity, Law, History, and policy; and with so cleare a confutation of the opposite Arguments, that no man took up the Bucklers against him to reuite him: the Arguments are too many, and too long to be here repeated. Nor doe I love to abridge that which hath little or nothing in it superfluous; or to make that short-lined by epitomizing it (such is the lazinesse of men to preſerre Epitomes before Large works) which I deſire ſhould be long-lined, and paſſe through many hands: This Debate laſted until Tueſday morning, 5. *Decemb.* eight of the clock (the Independents hoping to tyre out and fright away the moderate men) and then it was Reſolved upon the Queſtion (notwithſtanding the terrors and menaces of the Army) *That the Answers of the King to the Propoſition of both Houſes, are a ground for the Houſes to proceed upon, for the ſettlement of the peace of the Kingdome;* It was carried affirmatively by 140 Voices, againſt 104. that this Queſtion ſhould be put, and the Queſtion it ſelfe was carried cleerly Affirmative without dividing the Houſe: preſently after this Houſe appointed a Committee of 6. Members to attend the General, to conſerre with him and his Officers. and keep a good correſpondency between the Houſe and the Army; who had ſo much ſurly pride, and ſo little manners, as to give them leave to take a nap of three or four houres long (after their nights watching) before admittance, and at laſt diſmiſſed them with this churliſh Answer, *That the way to correſpond, was to comply with the Armies Remonſtrance:* The Houſe adjourned until VVedneſday following.

VVedneſday, *Decemb.* 6. 1648. The Saints militant being enraged that the Houſe had recovered ſo much courage and honeſty as to Vote according to their Conſciences, and neglect their wild Remonſtrance and threatening Declaration, (after ſome private conference in the morning between *Pride, Hewſon,* and other Officers, and the Speaker in *Westminſter-hall* with the dores ſhut) they ſent to the Houſe of Commons a Paper, requiring that the impeached Members and *M. G. Browne*, (who they belied to have called in *Hamilton*) might be ſecured and brought to juſtice, and that the 90. and odde Members who reſuſed to Vote againſt the late *Scottiſh Engagement*, and all that Voted for recalling the 4. Votes for Non-Adreſſes,

23.
The Armies
treafonable
violence upon
the Houſe in
ſecuring and
deſcending their
Members.

addresses, and Voted for a Treaty, and concurred in Yesterdaies Vote,
[That the Kings concessions were a ground for the House to proceed
to a Settlement:] may be immediately suspend the House, and that
all such faithfull Members who are innocent of these Votes would
by Protestation acquit themselves from any concurrence in them
that they may be distinguished: This is to subvert the foundation of
 Parliaments, and appeale to the judgement of the many-headed
 multitude without doors, and put all into Tumults. You see what
 kind of Parliament the Kingdome hath had ever since the Army
 Rebelled and Refused to Disband; a meer Free-Schoole, where
Cromwel is Head-school-master, *Ireton* Usher, and (that cypher)
Fairfax a Prepositer; surely these men are either the supreme
 Judges, or the supreme Rebels and Tyrants of the Kingdome:
 This Paper was delivered in, but they scorning to stay for an
 Answer, (by advice of their Independent Grandees of the Junto)
 upon Wednesday morning, *Decemb. 6. 16-8.* sent two or three
 Regiments of Horse and Foot to *Westminster*, set strong Guards
 at the Houses doors, the *Lobby* staires, and at every door leading
 towards the House, admitting none but Parliament men to enter
Westminster-hall, where *Col. Pride*, *Col. Hewson*, and *Hardres Wal-*
ler (sometimes a Cavalier, then a violent Presbyterian, and now
 a tyrannical Independent) violently seized upon divers Knights
 and Burgessees upon the Parliament staires and elsewhere going to
 the House, and forcibly carried them away Prisoners to the
 Queens Court without any warrant shewed, or cause assigned:
 and there set strict Guards upon them, *Mr. Edward Stephens* and
Col. Birche being in the House of Commons were called forth
 by feigned Messages sent in by some Officers under other Mens
 Names, and there violently pulled out of the door, though they
 called to the Speaker to take notice of the force: The House
 sent the Sergeant of the Mace to command the Imprisoned
 Members attendance: but the Guards would not let them come.
 A second time the Sergeant was sent with his Mace upon the
 same Errand, but *Col. Pride* in the *Lobby* would not let him passe:
 which contempt was entred in the *Journall Book*. Hereupon the
 House concluded not to proceed in businesse until their Mem-
 bers were restored, and sent to the General about it: yet af-
 terwards when the Officers had several dayes secured, secluded,
 and

and frightened away more of the Members: and made the House a Conventicle of their own Complexion, then the House prevaricated and deserted their Members: About three of the Clock afternoon *Hugh Peters* with a Sword by his side, (but not the Sword of *Saint Peter*) came into the Queens Court to take a List of the Prisoners Names by order from the Generall (as he said) where being demanded *by what Authority they were imprisoned?* he answered, *By the power of the Sword:* Night being come, the Imprisoned Members (41. in number) were conveyed away to a Victualling-House called HELL, and there kept all Night without Beds, or any fitting Accommodation, when it grew late some of them had offers made them to go upon their Parolls to their own Lodgings, and to appear the next morning at *White-hall*; but this was but a juggling trick to make them acknowledge the Lord *Fairfax* Authority, and become voluntary prisoners upon their own engagement, and was therefore refused. The next morning being Thursday, the Imprisoned Members had warning given them to meet the General and his Council of Warr at *White-hall*, whither they were guarded in Coaches, tyred out with watching and fasting: But the mechanick Council took so much state upon them, that after six or seven houres attendance until dark night, and no admittance nor application to them; they were led away from thence on foot with Guards of Musketers like Thieves and Rogues, and thorow the kennels like Col. *Prides* Dray-horses, to the *Swan* and *Kings-head*, two Innes in the Strand, and there distributed under several Centinels: The Souldiers making a stand with them sometimes half an houre together in the snow and raine, until they had put their Guards into a marching posture, and reviling them, *that they were the men that had consended the State of their money, and kept back their Pay:* Upon which scandalous provocation, some of them Answered; *That it was the Committee of the Army, and their owne Officers that had consended them:* which some of the Foot-souldiers then acknowledged. Besides the 41. Imprisoned Members, the Officers standing several dayes with Lists of Names in their hands at the Parliament-door, have turned back from the House, and denied entrance unto above 160. other Members, besides 40. or 50. Members, who voluntarily withdrew to avoid their violence, all whom

See the 3. part
of Englands
Chaines discovered;
and the
Hunting of the
Foxe, &c.

whom they know to be Losers by the VVarre, and therefore desirous of a safe and well-grounded peace; so that they have made warre against the majority of the House, (that is) against the whole House, for, *major pars obtinet rationem totius*, by all our Lawes and Customes, *The major part of the House is virtually the whole House*; which is Treason by their owne Declarations and Remonstrance farre higher than that whereof they accuse the King; and for which they demand Justice against Him: and the remaining faction of 40. or 50. engaged Members who now passe unpresidented Acts of Parliament of the House of Commons (as they call them (without the Lords, ought not to sit, Act, nor take upon them the stile of a House under so visible, actual, and horrid a force, both by the Lawes of the Land, and their owne Ordinance, passed August 20. 1647, *To null and void all Orders, Votes, and Acts passed under the Tumult of Apprentices, from July 26. to the 6. August following*, and yet the said Tumult ended the said July 26. when it begun. See the said Ordinance herewith printed. The Army (who now acknowledge no power but that of the Sword (as Major White long since foretold at Putney) and whose principle it is, *To break the Powers of the Earth to pieces*, as Will. Sedgewicke in his *Justice upon the Army-Remonstrance*, saith: And who (as Job. Lilburne in his *Plea for Common Right*, p. 6. saith) have by these extraordinary proceedings overturned all the visible supreme Authority of this Nation, now suffer only their own party of 40. or 50. Members to sit, and do journey-work under them, who are Enemies to peace, and have got well by sitting in troubled waters, and hope to get better: so that hardly a seventh or eight part of the Counties, Cities, and Burroughs that ought to have Members sitting, have any body to represent them, and therefore how they shall be bound by the Votes and Acts of this fagge end, this Rump of a Parliament with corrupt Maggots in it, I doe not see. Friday, Decemb. 8. a Message from the General was brought to Sir Robert Harlow that he might go home to his house, giving his engagement not to oppose the actings and proceedings of this present Parliament and Army: The like was offered to diverse others: you see hereby what the offence of these Imprisoned Members is, *only a feare that they will defend the fundamental Government, the Religion, Lawes, and Liberties of the Land, the Kings Person and Authority, & the being of Parliaments*

liaments; against the Tyrannicall and Treasonable practises of the Army and their House of Commons.

The small remnant of the House of Commons sent sundry times to the Generall to know why he Imprisoned their Members, and humbly to beseech him to set them at liberty if he had nothing against them: But all this was but prevarication and false shews for, 1. Their base and conditionall way of demanding their Liberty [if he had nothing against them] implies an acknowledgement of the Generalls jurisdiction and consance over them, and an invitation of him to accuse them. 2. Their sitting and acting under so brutish a force before their Members righted, or the honour of the House vindicated, is a deserting and yielding up of their Members & honour. 3. Their Voting an approbation of the matter of the Generall Officers scandalous and juggling Answer to their said Demands concerning the secured and secluded Members (as afterwards they did) without hearing what the said Members could say for themselves, is cleerly a fore-judging and betraying them. 4. Their late Votes, *That no man shall peruse their Journall Book of Orders, &c. without speciall leave*: is purposely done to barre the said Members who cannot make any perfect Answer in confutation of the Scandals cast upon them by the General Councils printed Libel against them, without having recourse to the said Book, to see what Votes passed for Ireland for the 200000*l.* and other matters. To say nothing how unusefull and unjust it is to keep the Records of the House from the view and knowledge of any man, & yet to expect their obedience to them. 5. Their exceeding strict and severe prohibiting the printing any Books not Licenced, and imploying Souldiers to Search all Printing Houses daily, is done in order to barre the said accused Members from publishing an Answer in their justification. 6. Their Summoning Mr. Pryn by order to appear at the Commons Barre, knowing him to be still a Prisoner to the Army; shews, that the Army and they serve each others turns against them. 7. And Lastly, the Declaration of the present House of Commons, dated Jan. 15. 1648. is nothing but an eccho of the said answer of the Generall Councell, against the said secured and secluded Members. They that are so wickedly industrious to destroy these Gentlemens credits, do this as a

24.
Reasons, proving that the remaining faction or Junto sitting under the force of the Army, were consenting to the securing & secluded their Members,
sect. 134. 135.

preparative to destroy their Persons, and seize upon their Estates, for the maintenance of a new War, (which they foresee their violent courses will bring upon them) and for the farther enriching of themselves, and establishing their Tyranny, which they miscall, *The Liberty of the People*. This violent purge wrought so strongly upon the House, and brought it to that weakness, that ever since it is eleven or twelve of the clock before they can get forty Members together to make an House, of which number they sometimes fail: One time the Members would have had the Speaker go on upon businesses with a less number than forty, but he knowing all so done to be illegall and void, refused; and yet (to piece up the House) they permit Mr. *Blaggrave*, Mr. *Frye*, and *Humphry Edwards* to sit as Members, notwithstanding their Elections are Voted void by the Committee of Elections; and one day an Officer of the Army having taken some Members going to the House, and secured them in the Tobacco Room, under Guard: The Speaker not being able to muster enough to make a House, was fain to send to the said Officer, to lend him his said Prisoners to make up a Free Parliament: This disgrace put upon the Imprisoned Members is purposely intended as an Invitation to all their Enemies to come in and accuse them; nay, it can be proved that means hath been used to suborn Witnesses against them: besides which, the Faction have made a strict Inquisition into their lives and conversations, and have hitherto met with nothing.

25.
The day after
the House pur-
ged, in comes
Dr. *Cromwell*
and *Henry*
Martin his
Apothecary.

Thus the House being thoroughly purged, the next day in comes the Dr. *O. Cromwel* out of the Country, bringing in under his Protection that sanctified Member *Henry Martin*, who had spent much time in plundering the Country, had often baffled the House, and disobeyed many of their Orders; sufficient to have made an honest man a Malignant liable to Sequestration: But great is the privilege of the Saints. It fortuneed that day the case of the secured Members was reported to the House, which *Harry* interrupting, desired them to take into consideration the deserts of the Lieutenant General; which with all slavish diligence was presently done. And the Speaker moved, that to morrow might be a day of Humiliation to be kept in the House, to humble the Spirits of the Godly, much overleavened with the Scottish Victory.

That

That you may the better understand how farre they mean to be humbled, *Hugh Peters* the Pulpit-Buffon was one of their Chaplains, who in stead of delivering the Oracles of God, delivered the Oracles of the Councell of Warre to them, talking obscurely of Accommodation and Moderation, and advising them to adjourn till Munday or Tuesday (I think) that the Army might cut out work for these Journey-men of theirs; and might work their wills upon the City in the mean time, when no House should be sitting for the Citizens to addresse their Complaints to; for in the interim they Garrisoned *Black Fryars*, and *S. Pauls*, reforming it, from the Church of God, to a Den of Thieves, Stable of Horses, and Brothell of Whores, and Robbed diverse Halls in London of vast sums of money by the prerogative royall of the Saints.

The 11. day of Decemb. 1648. the said secured Members published a printed Paper, as followeth :

26
A declaration
of the secured
and secluded
Members, a-
gainst the vio-
lence of the
Army.

A solemn Protestation of the imprisoned and secluded Members of the Commons House : Against the horrid force and violence of the Officers and Souldiers of the Army, on Wednesday and Thursday last, the 6. and 7. of Decemb. 1648.

WE the Knights, Citizens, and Burgeses of the Commons House of Parliament, (above one hundred in number) forcibly seized upon, violently kept out of the House by the Officers and Souldiers of the Army under *Thomas Lord Fairfax*, coming thither to discharge our duties on Wednesday and Thursday last, being the 6. and 7. of this instant December; do hereby, in our Names, and in the Names of the respective Counties, Cities, and Burroughs for which we serve, and of all the Commons of England, solemnly protest and declare to the whole Kingdom, That this execrable force and open violence upon our Persons, and the whole House of Commons, by the Officers and Army under their command, in marching up against their command, and placing strong armed Guards of Horse and Foot upon them, without and against their Order, is the highest and most detestable force and breach of Priviledge and Freedom ever offered to any Parliament of England; and that all Acts, Ordinances, Votes and proceedings of the said House made since the 6. of

F 2

Decemb.

Decemb. *aforsaid*, or hereafter to be made during our restraint and forcill: seclusion from the House, and the continuance of the Armies force upon it, are no way obligatorie, but void and null to all intents and purposes: And that all Contrivers of, Actors in, and Assistants to this unparallel'd force and treasonable armed violence, are open Enemies to, and professed Subverters of the Priviledges, Rights, and Freedom of Parliament, and Disturbers of the peace and settlement of the Kingdom; and ought to be proceeded against as such: and that all Members of Parliament, and Commoners of England, by their solemn Covenant and dutie, under paine of deepest perjurie and eternall infamie, are obliged unanimoustlie to oppose and endeavour to their utmost power to bring them to exemplarie and condigne punishment for this transcendent offence, tending to the dissolution of the present, and subversion of all future Parliaments, and of the fundamentall Government and Laws of this Realm.

All which we held it our duties to declare and publish to the world, for fear our stupid silence should give any tacit consent or approbation to this most detestable crime, and make us guiltie of betraying the Priviledges, Freedom, and Honour of this Parliament, to our perpetuall reproach, and the prejudice of all succeeding Parliaments.

Dated at Westminster, Decemb. 11. 1648.

27.
The same
Lords and in-
solent Com-
mons pass and
print a Decla-
ration against
the said Decla-
ration.

The said solemn Protestation of the secured Members being complained of, was sufficiently barked at in the House of Commons; and the Lords fell a barking at it too for company: and at last (that they might confute it with Authority instead of Reason) both Houses passed this following declaration against it:

The Declaration of the Lords and Commons: Against the first Declaration of the secured and secluded Members.

THe Lords and Commons assembled in Parliament, taking into their consideration a printed Paper, entituled [A solemn Protestation of the Imprisoned and secluded Members, &c.] wherein amongst other things, it is Declared, That all Acts, Ordinances, Votes, and proceedings of the House of Commons, made since the 6. of this instant Decemb. or hereafter to be made during their restraint

restraint and forcible seclusion from the House, and the continuance of the Armies force upon it, are no way obligatory, but void and null to all intents and purposes: The said Lords and Commons do thereupon judge and declare, the said printed Paper to be false, scandalous, and seditious, and tending to destroy the fundamental Government of this Kingdom: And do therefore order and ordain the said printed Paper to be suppressed, and that all persons whatsoever that have had any hand in, or given consent unto the contriving, framing, printing or publishing thereof, shall be adjudged, and hereby are adjudged incapable to bear any Office, or have any place of trust or authoritie in this Kingdom, or to sit as Members of either House of Parliament. And do further order and ordain, That every Member of either House respectively now absent, upon his first coming to sit in that House whereof he is a Member, for the manifestation of his innocencie, shall disavow and disclaim his having anie hand in, or given consent unto the contriving, framing, printing or publishing of the said paper, or the matter therein contained.

Trials by Jury of 12. men, and setting up illegal High Courts of Justice, their usurping the Supream Authority, their making Treason an Arbitrary crime, their erecting a Council of State, or, *Hogens mogens*, forty Tyrants in lieu of one King, their altering the stile of Writs and Legal Proceedings, &c. Sentence given before any person accused, or heard to speak for himself. Oh the brutish understanding of men whose sins and fears have intoxicated their wits!

The 12. and 13. Decem'ber, the Commons (that they might purge their Journal Books of all State-Heresies, as well as their House of all State-Hereticks) voted this *Index expurgatorius*, which in their own canting language I here present to you.

1. Resolved, &c. That the Vote of this House, Jan. 3. 1647. for revoking the Order, Sept. 9. 1647. for suspending Commissary Lionel Copley from being a Member of this House; is of dangerous consequence, and tending to the destruction of the justice and peace of the Kingdom, and is hereby repealed. The like for the rest of the impeached Members, *mutatis mutandis*.

2. Resolved, &c. That the Vote of the House, June 30. 1648. whereby this House did concur with the Lords (for opening of a way to the Treaty with His Majesty for a safe and well-grounded Peace) That the Votes, Jan. 3. 1647. forbidding all Addresses to be

The present Government is the Power of the Sword in the hands of Rebels.

The fundamental Government of this Kingdom is destroyed by the Faction remaining in the House of Commons, by their AAs, For abolishing Kingly Government, The House of Peers, their putting down

28.

The Conventicle of Commons repeated ex tempore in a thin House under a force; the Votes deliberately passed in a full and free House.

made to, or from the King, be taken off; was highly dishonourable to the proceedings of Parliament, and apparently destructive to the good of the kingdom, (sure they meant the kingdom of the Saints.) They likewise by four several Votes, revived the said 4. Votes, Jan. 3. for no Addressees, in terminis.

3. Resolved, &c. That the Vote, July 28. 1648. That a Treaty be had in the Isle of Wight with the King in person by a Committee appointed by both Houses, upon the Propositions presented to him at Hampton-Court; was highly dishonourable, and apparently destructive to the good of the kingdom. Good Boyes, they can say their Lessons well, and apace too, when the Army whips them on; they will shortly have a jubilee of play-days for their pains, 40 or 50 new Lights snuffed by the Council of War, can better discover what is dishonourable, and apparently destructive to their own kingdom, then 340. or 244 could do at other times: If you ask what Debates they had? they could have none, being now freed from the contradiction of sinners: being all Birds of a feather, taught the same tune by the same Masters, and singing in the same cage.

The House
adjourned.

29. A Protest to be entered against the Votes, That the Kings Grants were a ground for a settlement; a Touch-stone of I. Gourdon's. See the Order, Dec. 5. 1648. Yet the unanimous recalling those Votes was not thought (by those that think one thing and say another) a sufficient Test all were confidently for them, that voted with them; wherefore godly John Gourdon (a Fellow that spits venome as naturally as a Toad) moved, That a Protestation might suddenly be drawn up, and every Member to set his hand to it, in detestation of those repealed Votes. A Committee was appointed accordingly. The 14 Decemb. said new-found Sibboleth was brought in by Gourdon, which caused divers that were not yet mad enough for Bedlam to forbear the House, or rather Conventicle.

30. The Militia of the Counties new settled in Independent hands. Decemb. 14. They repealed the Ordinance lately passed (after mature debate) for selling the Countie-Militias of the Kingdom, because there were some Presbyterians in it not well-affected to the Army; and in that new sense, Malignants: And ordered, that a new Ordinance, with a List of new Names, of Saints Militant (sounding like a Jewish pedigree) be brought in; for (through the indiscretion of the Presbyterians) the Independents have had the custody of our Purfes a long time, and now must keep our Swords too, and then, Stand and deliver, will be the only Law of the Land.

About

About this time Major General Brown, one of the Sheriffs of London, was fetched out of the City by a Party of Horse, and carried before the mechanick Council of War at Whitehall, (although a Member of Parliament, and consequently one of their Masters) where he told them, *He knew they had nothing to charge him withall, but his honest endeavours to preserve His Majesty, and His Posterity, together with the Parliament, City, and Kingdome, with the Laws and Government thereof from being rooted up by them, and that he feared them not.* Col. Hewson (the one-eyed Cobler) was so faw-y as to tell him, *He was too peremptory; at last they committed him a Prisoner to S. James's.*

And that he might not want company, they sent a Warrant to Capt. Lawrence Marshal General, to remove Sir Will. Waller, Sir John Clotworthy, Major Gen. Massey, and Commissary General Copley from the Kings Head to him.

The Marshal shewing them the Warrant, they protested against the Authority, and offered the Protest to the Marshal in writing, desiring him to shew it to the General; which he refusing to receive, Sir Will. Waller desired all the company to witness what Protestation they did make in behalf of themselves, and all the Free-born people of England, against the violent and illegal encroachments of the General and Council of War, against the Laws and Liberties, and read it aloud, as followeth:

A Declaration of the taking away of Sir Will. Waller, Sir John Clotworthy, Major Gen: Massey, and Colonel Copley, Members of the House of Commons, from the Kings Head in the Strand to S. James's: Together with their Protestation read at their removal: With a Copie of the L. Generals Order for the same. Tuesday, Decemb. 12. 1648.

Marshal Laurence came and acquainted Sir William Waller, Sir John Clotworthy, Maj. Gen. Massey, and M. Lionel Copley, Members of the House of Commons, *That he had Orders from the Lord General and Council of the Army, to remove them from the other Prisoners to S. James's: They replied to him, That they desired to see his Orders: The Marshal answered, They were onely verbal; but the Gentlemen insisting to see a Warrant for their remove;*

remove; the Marshal went to the General, and from him about six a clock brought an Order; a true Copie of which follows, *Viz.*

You are upon sight hereof, to remove Sir Will. Waller, Sir John Clotworthy, Major General Massey, and Colonel Copley, from the Kings Head Inne (where they are now in Custody) to S. James's: And for so doing, this shall be your Warrant.

Given under my hand, Decemb. 12. 1648.

To Marshal General Lawrence.

T. Fairfax.

This Order being shewed unto the foresaid Gentlemen, Sir Will. Waller produced a Paper, desiring that the same might be presented to the General; which Marshal Lawrence refused to receive: Upon which, the said Sir William Waller, and the other three Gentlemen, desired the said Marshal and all the Gentlemen there present, to attend and witness to that Protestation, which they did there make in behalf of themselves, and all the Commons and Free-born Subjects of England, so with a distinct and audible voice read their Protestation, as followeth:

WE whose Names are hereunto subscribed, being Members of the House of Commons, and Freemen of England, do hereby declare and protest before God, Angels, and Men, That the General and Officers of the Armie, being raised by the Authoritie of Parliament, and for defence and maintenance of the priviledges thereof, have not, or ought to have any power or jurisdiction to apprehend, secure, detein, imprison, or remove our persons from place to place by any colour or Authoritie whatsoever; nor yet to question or try us, or any of us by Martial Law, or otherwise, for any offence or crime whatsoever, which can or shall be objected against us: And that the present Imprisonment and removal of our persons is a big violation of the Rights and Priviledges of Parliament, and of the

Fundamental

Fundamental Laws of the Land, and a higher usurpation and exercise of an Arbitrary and unlawfull power, then hath been heretofore pretended to, or attempted by this or any King or other power whatsoever within this Realme, notwithstanding which, We and every of us do Declare our readinesse to submit our selves to the Legall triall of a Free Parliament, for any crime or misdemeanour that can, or shall be objected against us.

In witnesse whereof, we have hereto subscribed our Names
the 12. of December, 1648.

At the Kings-head
in the Strand.

William Waller, Edward Mussey,

John Clotworthy, Lionell Copley.

About this time, Mr. Pelham, Mr. Lane, Mr. Vaughan, Sir Simon Dewes, (Members secured) were set at liberty without any engagement, although at first it was demanded *they should engage not to attempt any thing against the present actions of this Parliament and Army*, which they refused.

34.
Four secured
Members dis-
charged.

About Decemb. 11. 1648. was delivered into the world a monstrous Beggars Brat, called [*The Agreement of the People.*] It is very judiciously Answered by Mr. William Ashurst, all the Contents thereof is in the Remonstrance of the Army. 20. Nov. 1648. wherof I have spoken already.

35.
The Agree-
ment of the
People publi-
shed and An-
swered.

1. It proposeth, *That the People* (that is, some small part of the People, the Army and their faction) without any colour of Law or Right *should agree together to take away finally the present Government by King, Lords, and Commons*, which the Kings Party heretofore charged upon the Parliament as their Designe for which they fought, whereupon, the Parliament to vindicate themselves, published many Declarations, and passed sundry Votes, *That they would not alter the Government by King, Lords, and Commons*; it also takes away the legall right from Burroughs to chuse members of Parliament; this admitted, they may as well conspire to take away any Law, or any mans Life or Estate, by which rule we could enjoy nothing but as the will of any number of men that shall call themselves *The People*. And upon the same ground that those that shall subscribe this Agree-

ment may call themselves *the People*, may those that shall refuse to subscribe call themselves *the People*, and upon far better grounds, as being farre the more numerous, and standing for defence of those ancient Lawes, which do constitute the People and Common-wealth of *England*, which will breed infinite confusions and divisions: and what those that call themselves *the People* now agree to, they may alter upon the next change of humour or interest.

2. The inconveniences of the present Government have not yet been plainly discovered, nor no Trial hath been made by the present knowne legal power of *England*; whether those inconveniences may not be removed without subverting the present Government, and introducing so totall a change as will be very dangerous and grievous to all sorts and conditions of men.

3. In the Protestation, *May 5. 1641.* and the Covenant, *Septemb. 27. 1643.* we are bound to defend Parliaments, and to oppose and bring to punishment all such as shall endeavour the subversion of Parliaments, which this Agreement cleerly doth.

4. This Agreement encroacheth desperately upon the liberty of the People of *England*, in the Election of this Representative; depriving them that have constantly adhered to this Parliament as well as the Kings Party (if they cannot in conscience subscribe it) from Electing, or being Elected; yet they shall have Laws and Taxes imposed upon them by Subscribers, who are the least, and the least considerable party of the Kingdome, and upon whom they conferre no trust; which is to disfranchise the Nonsubscribers, and reduce them to the condition of Conquered Slaves. It is a knowne Maxime in Law, *Quod omnes tangit, ab omnibus tractari debet*, what concernes all men must be debated and agreed to by all men, either personally or representatively.

5. It will raise factions and feuds between the Subscribers and Non-subscribers of the Parliament party.

6. It takes away Magistracy and Government, not onely by placing such a Supreme power over them as is disputable; nay, apparently illegal: But by making the heady multitude (*the People*) supreme Judges over the said Representative: for although it inflicts the penalty of death upon the Resisters of their Orders,

yet

yet is with this *salvo*, except such Representative shall expressly violate this Agreement, which makes every man or number of men that shall get power into their hands Judges of it; nor is there any other Judge designed: and (if there were) who shall judge that Judge? & *sic in infinitum*, the legal supreme Trust of all publique interests being taken away, our vagabond thoughts wander in a circle, not knowing where to repose our trust, all Judges, all Councils may erre, but the rascal multitude are the very sinke of errors and corruptions. If therefore the Supreme, the Representative have so unstable an authority, what shall the subordinate Magistrate acting under them have?

7. It smells so much of the Jesuite, that it tolerateth Popery in private Houses; contrary to the knowne Lawes of the Land: Popery (like the old Serpent) if it once get in the head, will soon insinuate the whole body, being so well backed by Potent Princes and Councils from beyond Sea. And truly I know not what to say against Popery, where Heresie, Schisme, Atheisme, and Blaspheme are openly tolerated, and exempted from the power of the civil Magistrate, as in this Agreement.

8. It will lose *Ireland*; the managing of the Warre there being legally in this Parliament by Act passed, not in this newfangled Representative.

9. It divides us from *Scotland*.

10. It destroyes the Cause for which the Parliament so often Declared, Voted, Protested and Covenanted that they fought, viz. *Defence of Parliaments, Religion, Lawes and Liberties*, and bestowes the Cause upon the King, as if He only (from the beginning) had fought for them: which all men have reason to believe, when they shall see the Parliament make such ill use of their Victory, as to root them all up. And this and all other Parliament-Armies were Commissioned *to preserve this Parliament*; by this Authority they have their Pay and Indemnity, without which they are Thieves, Rebels, and Murderers.

11. It demands, that there be no Lawyers nor Lawes, but new Rules in English to be made from time to time by the new Representative, who are to be chosen and trusted onely by a small faction of Subscribers, (as hath been said) according to which justice shall be administred, not by Mayors, Sheriffs, Justices of

the peace, Officers alwaies ready, but by hundred Courts, who are to supply the roome of all the Judges and Lawyers of the Kingdome: and all this to lie in the breasts of 12. Men in every Hundred (of the Tribe of the Godly be sure) who peradventure can neither write nor read, nor have responsible Estates to satisfie wrongs done: these shall doe justice by providence and revelation,

12. It destroyeth all great and publique Interests (and therefore cannot stand) Kings, Lords, Souldiers, Magistrates, Parliaments, Lawyers, Ministers, who will oppose it, because it confounds and destroyes Religion, and depriveth the Ministry of its lot, Tythes: stopping their mouthes with famine, purposely to cast them off: and generally all men of quality and discretion will withstand it; because it gives no security for enjoyment of liberty and property, nor for increase of learning, civility, and piety; who then are left to owne and subscribe it but desperate forlorne Persons, who, because they cannot bring their actions under the protection of our present Laws and Government, will bring the Laws and Government to their own corrupt wills and interests, and therefore will signe this *Agreement*: no obedience being given to this Representative, but upon condition (*that they kept this Agreement*) and their being no other Judges of their keeping it but the Subscribers, who in the result of all, hath the Law in their owne Wills.

36.
This Agreement of the People was condemned by the House of Commons.

9. Nov. 1647.

This *Agreement of the People* is the same which was subscribed by 9. Regiments of Horse, and 7. of Foot, and presented with a Petition to the House of Commons, *Novemb. 5. 1647*, by the Agitators, *Gifford* the Jesuite being then in the Lobby with them, and very active therein. Upon reading and debate hereof the House then declared their judgements against it, by passing these Votes:

Die Martis, 9. Nov. 1647.

A Paper directed to the Supreme Authority of the Nation the Commons in Parliament assembled, The just and earnest Petition of those whose Names are subscribed, in behalfe of themselves and all the Free-borne people of England: Together with a Paper annexed, intituled, An Agreement of the people for present and future peace, upon grounds of Common Right, avowed. How these Papers come

now

now to be owned, those that oppose them violently secured by the Army, by the connivance (at least) of the dregs of the House now sitting, let the Saints now voting in the House examine their pockets, for (I am confident) their consciences had no hand in the business.

Resolved, &c. That the matters contained in these Papers, are destructive to the beings of Parliaments, and to the fundamental Government of the Kingdome.

Resolved, &c. That a Letter should be sent to the General, and those Papers inclosed, together with the Vote of this House upon them: and that he be desired to examine the proceedings of this business in the Army, and return: an Account thereof to this House.

The General and Council of Warre in pursuance of this Vote, condemned one of the Agitators who promoted it, and shot him to death at Ware (you see what it is to do a thing unseasonably, this Designe of the Army and their Party was not yet ripe) wherewith they acquainted the House; yet they kept in the same fire in the City still, where some of their Confederates, 23. of the same Novem. sent the same Agreement, &c. inclosed in a Letter, with a Petition into the House of Commons: whereupon the House (giving thanks to the General for the execution done at it, Ware, and desiring him to examine that business to the bottome) unanimously passed these Votes:

Die Martis, 23. Nov. 1647.

A Petition directed to the Supreme Authority of England, the Commons in Parliament assembled, and entituled, *The humble Petition of many Free-borne People of England, sent in a Letter directed to Mr. Speaker, and opened by a Committee thereunto appointed,* was read the first and second time.

Resolved, &c. That this Petition is a seditious and contemptuous avowing and prosecution of a former Petition and Paper annexed, styled, An Agreement of the People, formerly adjoined by this House to be destructive to the being of Parliaments, and fundamentall Government of the Kingdome, &c.

Resolved, &c. That Tho. Prince, Cheese-monger, and Sam. Chidley, be forthwith committed Prisoners to the Prison of the Gatehouse, there to remaine Prisoners during the pleasure of this House, for a seditious and contemptuous avowing and prosecution of a former

Petition and Paper annexed, filed, An Agreement of the People, formerly adjudged by this House destructive to the being of Parliaments, and fundamental Government of the Kingdome.

Resolved, &c. That Jeremy Ives, Tho. Taylor, and Will. Lerner, be forthwith committed Prisoners to the Prison at New-gate, &c. as last aforesaid, in Terminis.

Afterwards by an Ordinance, Decemb. 17. 1647. for Electing Common-Council-men, and other Officers in London, they expressly ordained, That no Person who hath contrived, abetted, perswaded, or entred into that engagement, entitled, [*The Agreement of the People.*] declared to be destructive to the being of Parliaments, and fundamental Government of the Kingdome; be elected, chosen, or put into the Office of the Lord Mayor of the City of London, Sheriffe, Alderman, Deputy of a Ward, or Common-Council-man of the said City, or shall have any voice in the election of any such Officers, for the space of one whole yeare; and be incapable of any of the said Places: yet now these petty Fellowes keep the whole City in awe.

39.
Yet this Agree-
ment since in-
serted into the
Remonstrance
of the Army,
owned by the
Generall and
Councell of
Warre; and
Nov. 20. 1648.
obtruded up-
on the House.

These multiplied Votes and Ordinance, laid this *Agreement of the People* asleep until the beginning of November, 1648. when (to hinder the peace of this Kingdome, and reliefe of Ireland) the Jesuits and Agitators prosecuted it againe in the Army, and inserted it againe *verbatim* in the Remonstrance of the Army, November 20. 1648. to break off the Treaty with the King, bring him to capitall punishment, and cast the odium of all upon the Parliament: And the General and his Council of Officers (though they had formerly shot a Souldier to death for prosecuting it) unanimously approved it at Saint Albons, November 16. 1648. and obtruded it upon the House the 20. Novemb. and when they found the House so resolute in the Treaty as to proceed, they first seized the Person of the King, and carried Him to Hurst-Castle, as aforesaid; and when the House at last closed up the Treaty with this Vote, *That the Kings Answers to the Propositions of both Houses were a ground for the Houses to proceed upon towards a settlement*: They seized upon 41. Members of Parliament, secured them, and villanously treated them; secluded above 160. and frighted away at least 40. or 50. more, leaving onely their owne Somerset-house Junto of 40. or 50. thriving Members sit-

40.
Why they
purged the
House.

ting

ting to unvote in a thin House under a force, what had been voted in a full and free House; To vote down the Kingly Office and House of Peers, to vote the Supreme Authority to be in the People, and in the House of Commons as their Representative, clean contrary to their three last recited Votes. To bring the King to capital punishment, before a new invented, illegal, mixed Court, (consisting of engaged persons) erected for that purpose, that hath neither foundation by Prescription nor Law, and to erect a Council or Committee of States, out of their number (in the nature of Lords, States General, or Hogen Mogens) with an unknown and therefore unlimited Authority, to continue in being after the dissolution of this Parliament. So farewell Kings, Lords and Commons, Religion, Laws and Liberties, and all Votes, Declarations, Remonstrances, Protestation and Covenant, made heretofore onely to gull the People, and carry on their designe.

About 19. Decemb. divers Lords went to do homage to the General, to expresse their good affections to him, and their concurrence with him for the Common good, and their readinesse to wave their priviledges and Titles if they shall be found burdensome to the liberty of the People, and had a gracious nod for their paines.

41.
Diverse Lords doe homage to the General, and wave their honours.

About this time the Lords and Commons passed an Ordinance for electing Common-Council-men and Officers in London for the yeare following, to this effect, That no Person that hath been imprisoned or sequestred (rightfully or wrongfully) or hath assisted the King against the Parliament in the first or second Warre, or hath been aiding or assisting in bringing in the Scots Army to invade this Kingdome, or did subscribe or abett the treasonable Engagement, 1647. or that did ayde, assist, or abett the late Tumult within the Cities of London and Westminster, or the Counties of Kent, Essex, Middlesex, or Surrey, shall be elected, chosen, or put into the Office or Place of Lord Mayor of London, Alderman, Aldermans Deputy, Common-Cancel-man, or into any office or place of trust within the City, for the yeare ensuing, or be capable to give his voice for chusing any Person to any the Offices aforesaid; And that if any Persons comprehend under the aforesaid exceptions being chosen, shall presume to sit in the Court of Aldermen, Common-Council, or execute any of the.

42.
An Ordinance to curb the City in electing Officers.

the aforesaid Offices, he shall forfeit 200. And all such Elections to be null and void, the Lord Mayor to take order that this Ordinance be read at all Elections, and punctually observed: and also to afford the liberty of the Pole, it being required by any of the Electors present. But this Ordinance not giving full satisfaction to the Zealots, Skippon stood up, and looking as demurely as if he meant to say Grace, he told the House, That the late Ordinance was not sufficient to keep Malignants out of Office in London, for Mr. Speaker (said he) It is not enough to exclude Delinquents, or the Abettors of the late Insurrections, &c. for there are a more dangerous sort of men amongst them: They which promoted the Treaty, and endeavoured to have the King brought to London, except these be made incapable of Authority, it will be a great discouragement to the Godly party of the City. So an additionall Ordinance to this end was ordered to be brought in, you see to endeavour peace and settlement, is accounted by these Saints militant a sufficient crime to forfeit a mans Birth-right.

Skippon moveth
for an Addition
on to the said
Ordinance.

43.
The Members
subscribe John
Gourdon's Pro-
testation,
sect. 29.

Sect. 23.

I formerly told you of John Gourdon's motion, That all Members might subscribe a Protestation against the Votes for a Treaty with the King in the Isle of Wight, and especially against the Vote, 5. Decemb. 1648. which declareth, That His Majesties Answers to the Propositions of both Houses were a ground for the two Houses to proceed to a settlement: and until such dissent or disapprovall to forbear the House: This was done in obedience to the demands of the Army in their Remonstrance presented 20. Novemb. 1648. And although it be so clearly against the Orders and Priviledges of Parliament, that divers members formerly (and some this Parliament) have bin suspended the House, and committed to the Tower for offering it, because it tends to breed factions and divisions in the House, and Tumults without doors; yet every request from an Armed man is a Command and must be obeyed.

The List of the Names of these new Protestants followeth, and (it is hoped) they will in time give better Reasons then (the power of the Sword) for it, 20. December 1648. subscribed, The Lord Lysle, Col. Boswel, Io. Gourdon, Lord Gray, Peregrine Pelham, Col. Jones, Col. Temple, Col. Ven, Sir Tho. Malcouver, Sir Thomas Wrothe, Sir Jo. Bourcher, Col. Peter Temple, Humphry Edwards, (who waited on the King to the House when he demanded the

5. Mem-

5. Members, and his Election is adjudged void by a Committee) Mr. *Tho. Chaloner*, Sir *Gregory Norton*, (who gave a man 20 l. to wait on the King in his place as Pensioner when He demanded the 5. Members) *Michael Oldsworth*, *Augustine Garland*, Sir *Jo. Danvers*, Mr. *Dove*, Mr. *Henry Smith*, Mr. *Frye*, (whose Election is voted void) Mr. *Scarle*, *Nich. Love*, *John Lysle*, Coll. *Rigby*, *Cornelius Holland*, Coll. *Ludlow*, *Greg. Clement*, Coll. *Purefoy*, Coll. *Stapeley*, Mr. *Dunch*, Mr. *Cawley*, Coll. *Downes*, *Jo. Carey*, *Jo. Blackiston*, *Tho. Scot*, Decemb. 22. Coll. *Hutchinson*, Sir *Hen. Mildmay*, Sir *James Harrington*, Decemb. 25. Col. *Edward Harvey*, Alderman *Pennington*, Alderman *Atkins*, Dan. *Blagrave* (voted out of the House) Coll. *Moore*, Coll. *Millington*, Mr. *Prideaux*, *Roger Hill* the little Lawyer, *Dennis Bond*, Coll. *Harrington*, *Master Hodges*, *Master Valentine*.

Sixteen of the imprisoned Members were about this time sent for by the General; when they came, out came *Ireton*,^{44.} and finding Mr. *Pryn* amongst them, he chid the Martial for bringing him, and commanded him to be taken away; but Mr. *Pryn* refusing to depart, *Ireton* commanded him to be thrust out by head and shoulders: whereupon Mr. *Pryn* openly protested, That the Army endeavoured utterly to subvert the fundamental Lawes of the Land, and Priviledge of Parliament. That they had no power over him, nor any Member of Parliament. That their late force acted upon them, and their proceedings was illegal, and traitorous, That all men were bound to bring them to condign punishment as Rebels and Traitors to their God, their King, Country and Parliament. So Mr. *Pryn* was removed by the Martial, and *Ireton* went in once more to consult the Oracle, and at last came out again to the Gent: telling them, It was the Generals pleasure they should be all released, attempting nothing against the actions of this present Parliament and Army, but (said the insolent fellow) let that be at your peril: so the Gentlemen expressing that they would give no engagement, were released without any.

The 22. Decemb. both Juntoes of foure Lords, and twenty Commons, kept a mock-fast at Saint *Margarets*, *Westminster*; where *Hugh Peters* the Pulpit-Buffon, acted a Sermon before them; the subject of his Sermon was, *Moses leading the Israelites out of Egypt*, which he applied to the Leaders of this Army,^{45.} and *Hugh Peters* whole Sermon.

whose designe is to lead the people out of Egyptian bondage: But how must this be done? that is not yet revealed unto me (quoth Hugh) and then covering his eyes with his hands, and laying downe his head on the cushion, untill the People falling into a laughter, awakened him: He started up, and cryed out, Now I have it by Revelation, now I shall tell you; This Army must root up Monarchy, not only here, but in France and other Kingdoms round about; this is to bring you out of Egypt: this Army is that corner stone cut out of the Mountaine, which must dash the powers of the earth to pieces. But it is objected, The way we walk in is without president; what think you of the Virgin Mary? was there ever any president before, that a Woman should conceive a Child without the company of a Man? this is an Age to make examples and presidents in.

46.
The Council
of War vote a
Toleration of
all Religions.

Decemb. 25. The Council of VVar voted a Toleration of all Religions: you see they vote like States-men, as well as their Parliament.

47.
The Common
Council peti-
tion against
Skippins addi-
tionall Ordi-
nance in vaine

About this time, a Committee of Common-Council-men came complaining to the House of Skippons additional Ordinance, That none should Elect, or be Elected, or execute the place of Lord Mayor, Alderman, Aldermans Deputy, Common-Council-man, &c. that had signed the Petition for a Personall Treaty, &c. because they found the City generally ingaged in the said Petition: so that they could not find men enough to Elect, or be Elected: Wherefore it was referred to a Committee to think of a remedy worse than the disease, as it proved afterwards. You see the petitioning for a Personall Treaty was so universall and publique that it could not be carried on by any private designe in Conventicles and corners; as are all the bloody Petitions for justice, justice against capital Delinquents, and the most High, which being penned and solicited by the Army, or sectary Committeemen, and subscribed and prosecuted by some few beggerly Schismatics without Cloaks in the Names of whole Counties, (whom they had the impudence to belie) were entertained in state; and they, and that well-affected County (though they abhorred the villany) thanked for their paines.

* 48.
Somersetshire
encouraged by
the House to
associate all
the well-aff-
ected, i.e. all the
Anarchists
and Cheaters.

* 25. Decemb. The House voted a Letter to be sent by way of encouragement to the County of Somerser, to go on with settling their.

their association with the well-affected, and forces of the Counties adjacent; this is to associate and Arme all the Schismaticks, Committee-men, guilty and desperate Persons, Antimonarchists, and Anarchists, against all the peaceable and honest men of the Kingdom.

26. Decemb. Mr. Pryn sent a Letter to the General, demanding his liberty; and seconded it with a Declaration, as followeth:

49.
Mr. Pryn's Letter to the General, demanding his liberty.

Mr. Pryn's Demand of his Liberty to the Generall,

Decemb. 26. 1648. with his Answer thereto. And his Declaration and Protestation thereupon.

For the Honourable Lord Fairfax, Generall of the present Army.

These are to acquaint your Lordship, That I being a Member of the Commons House of Parliament, a Free-man of England, a great Sufferer for, and an Assertor of the Subjects Liberties against all Regal and Prelatical tyranny, and no way subject to your owne, your Council of Warrs, or Officers military power or jurisdiction, going to the House to discharge my duty on the 6, of this instant December, was on the staires next the Commons House door, forcibly kept back from entering the House; seized on, and carried away thence, (without any pretext of Lawfull Authority therto assigned) by Colonel Pride, and other Officers and Souldiers of the Army under your Command. And notwithstanding the Houses demand of my enlargement both by their Sergeant and otherwise; ever since unjustly detained under your Marshalls custody, and tossed from place to place, contrary to the known Priviledges of Parliament, the Liberty of the Subject, and fundamental Laws of the Land, which you are engaged to maintaine against all violation. And therefore do hereby demand from your Lordship my present enlargement, and just liberty, with your Answer hereunto.

50.
Mr. Pryn's Declaration seconding his said Letter.

From the Kings-head in the Strand,

Decemb. 26. 1648.

William Pryn.

This was delivered to the Generals own hands at his House in Queen-street, about three of the clock, the same day it beares

H2

date

date; by Doctor *Bastwicke*: VVho returned this Answer by him, upon the reading therof:

That he knew not but *Mr. Pryn* was already released, and that he would send to his Officers to know what they had against him.

VVho it seems act all things without his privity, and steer all the Armies present counsels and designs according to their absolute wills.

The Publique Declaration and Protestation of William Pryn of Lincolnes Inne, Esquire; Against his present Restraine, and the present destructive Councils, and Jesuiticall proceedings of the Generall, Officers, and Army.

I VVilliam Pryn, a Member of the House of Commons, and Freeman of England, who have formerly suffer'd 8. years Imprisonment (four of them close, three in exile) three Pillories, the losse of my Ears, Calling, Estate, for the vindicating of the Subjects just Rights and Liberties against the arbitrary tyranny & injustice of King and Prelats, and defence of the Protestant Religion here established, spent most of my strength and studies in asserting the Peoples just freedoms, and the power and priviledges of Parliament, against all Opposers, and never received one farthing (by way of damages, gift, or recompence) or the smallest benefit or preferment whatsoever, for all my sufferings and publicke services; Do here solemnly declare before the most just and righteous God of Heaven and Earth (the Searcher of all hearts) the whole Kingdome, English Nation, and the World, that having according to the best of my skill and judgment faithfully discharged my trust and duty in the Commons House, upon real grounds of Religion, Conscience, Justice, Law, prudence and right reason, for the speedy and effectual settlement of the peace and safety of our three distracted, bleeding, dying Kingdoms, on Monday, Dec. 4. I was on Wednesday morning following (the 6 of this instant) going to the House to discharge my duty, on the Parliament staires next the Commons door, forcibly seized upon by Col. Pride, Sir Hardress VValler, and other Officers of the Army (who had then beset the House with strong Guards, and whole Reg: of Horse and Foote) haled violently thence into Queens Court, notwithstanding my Protestation of
breach.

breach of priviledge, both as a Member and a Freeman, by a mere usurped tyrannicall power, without any lawfull Authority, or cause assigned, and there forcibly detained Prisoner (with other Members there restrained by them) notwithstanding the Houses double demand of my present enlargement to attend its service by the Sergeant, and that night (contrary to faith and promise) carried Prisoner to Hell, and there shut up all night, (with 40. other Members) without any lodging or any other accommodations, contrary to the known Priviledges of Parlt. the fundamental Laws of the Realm, and Liberty of the Subject; which both Houses, the 3. Kingdoms, the General with all Officers and Soldiers of the Army, are by solemn Covenant and duty obliged inviolably to maintain. Since which I have, without any lawfull power or authority bin removed and kept prisoner in several places, put to great expences, debar'd the liberty of my person, calling; & denied that hereditary freedom which belongs to me of right, both as a Freeman, a Member, an eminent sufferer for the publick, and a Christian, by these who have not the least shadow of authority or justice to restrain me, and never yet objected the least cause for this my unjust restraint.

I do therefore hereby publicly protest against all these their proceedings, as the highest usurpation of an arbitrary and tyrannical power, the greatest breach of faith, trust, Covenant, priviledges of Parlt. and most dangerous encroachment on the Subjects liberties and Laws of the Land, ever practised in this Kingdome by any King or Tyrant, especially by pretended Saints, who hold forth nothing but justice, righteousness, liberty of conscience, and publick freedom in all their Remonstrances; whils they are triumphantly trampling them all under their armed iron feet. And do further hereby appeal to, & summon them, before all the Tribunals and powers in heaven and earth for exemplary justice against them, who cry out so much for it against others less tyrannical, oppressive, unjust, and sacrilegious to God and men than themselves. And do moreover remonstrate, that all their present exorbitant actions against the King, Parlt. present Government, and their new modled representative, are nothing else but the designs & projects of Jesuits, Popish Priests and Recusants; (who bear chief sway in their Councils) to destroy and subvert our Religion, Laws, Liberties, Government, Magistracy, Ministry, the present and all future Parlt. the King, his Posterity, and our 3. Kingdoms, yea, the General, Officers,

and Army themselves, and that with speedy and inevitable certainty; to betray them all to our foreign Popish Enemies; and give a just occasion to the Prince and Duke, now in the Papists power, to alter their Religion, and engage them, and all foreign Princes and Estates to exert all their power to suppress and extirpate the Protestant Religion and Professors of it through all the world, which these unchristian, scandalous, treacherous, rebellious, tyrannicall, Jesuiticall, disloyall, bloody present Councils and exorbitances of this Army of Saints, so much pretending to piety and justice, have so deeply wounded, scandalized, and rendered detestable to all pious, carnall & morall men of all conditions. All which I am, and shall alwaies be ready to make good before God, Angels, Men, and our whole three Kingdoms in a free and full Parliament, upon all just occasions? and scale the truth of it with the last drop of my dearest blood.

In witnesse whereof, I have hereunto subscribed my Name: at the Signe of the Kings-head in the Strand,
Decemb. 26. 1648.

William Pryn.

51.
The Council
of War forbid
all state and
ceremony to
the King.
From Dec. 24.
to 1. January,
Nun. 283.

52.
Cromwells Sp. in
the Ho. when
it was first
propounded
to try the
King.

53.
The Ordinance
for electing
Com: Councel
men confi-
med.

27. Decemb. The Council of VVarr (who manage the businesse in relation to the King, saith the *Diurnal*, ordered, That all state and ceremony should be forborne to the King, and his Attendants lessened, to mortifie him by degrees, and work Him to their desires.

VVhen it was first moved in the House of Commons to proceed capitally against the King; Cromwell stood up and told them, That if any man moved this upon designe, he should think him the greatest Traytour in the world, but since providence and necessity had cast them upon it, he should pray God to bless their Councils, though he were not provided on the suddaine to give them counsel: this blessing of his proved a curse to the King.

28. Decemb. was brought into and read in the House an Ordinance, explaining the former Ordinance for electing Common-Council-men, which confirmed the former Ordinance. It was referred back againe to the said Committee to consider of taking away the illegal (as they please to miscall them) Oaths of Allegiance, Supremacy, and other Oaths usually administered to Officers, Free-men, &c. of the City.

The

The 28. Decemb. Tho. Scot brought in the Ordinance for Trial of the King, it was read and recommitted three severall times, and the Commissioners Names inserted consisting of diverse Lords, Commons, Aldermen, Citizens, Country Gentlemen, and Soultiers, (that the more persons of all sorts might be engaged in so damnable and treasonable a designe) and because this Ordinance, and the proceedings thereupon had no foundation in Divinity, Law, reason, nor practice: The Commons to give it a foundation and ground from the authority of their Votes, declared as followeth.

Resolved, &c. That the Lords and Commons assembled in Parliament, doe declare and ad judge, That by the fundamentall Laws of the Realme, it is Treason in the King of England for the time to come to levie War against the Parliament, and Kingdom of England.

So together with this declaratory Vote the said Ordinance was carried up to the Lords by that Renegado Lord Gray of Grooby, Jan. 2. 1648. The Lords met that day farre more than ordinary, 16. in number, and promising to send an Answer by Messengers of their owne.

The first Question started by some Lords (who had rather have had a thinner House) was, *Whether it should be presently debated?* which passed Affirmatively. The first Debate was upon the said Declaratory Vote: The Earle of Manchester told them, *The Parliament of England, by the fundamentall Laws of England consisted of three Estates, 1. King. 2. Lords. 3. Commons. the King is the first and chief Estate, He calls and dissolves Parliaments, and confirms all their Acts: and without him there can be no Parliament; therefore it is absurd to say, The King can be, a Traitor against the Parliament.* The Earle of Northumberland said, *The greatest part (at least twenty to one) of the people of England were not yet satisfied, whether the King levied war first against the Houses, or the Houses against Him? And if the King did levie Warr first against the Houses, we have no Law to make it Treason in Him, so to doe: And for us to declare Treason by an Ordinance, when the matter of fact is not yet proved, nor any Law extant to judge it by, is very unreasonable: so the Lords cast off the Debate, and cast out the Ordinance: and adjourned for seven dayes.*

Jan. 3. The Zealots of the Commons were very angry at the Lords,

54.
The Ordinance for Trial of His Majesty called the Commons.

Diurnal from 1. Jan. to the 8. of Jan. 1648. Nun. b. 286.

55.
And sent up to the Lords;

56.
And Debated.

57.
The Zealots of the H. of Com: offended with the Lords for casting forth the Ordinance for Trial of the King.

Lords, and threatned to clap a Pad-lock on the Door of their House: but at last they sent up some of their Members to examine the Lords Book, and see what they have done, who brought word back, *that their Lordships had passed 2. Votes; 1. That they doe not concurre to the said Declaratory Vote. 2. That they had rejected the Ordinance for Triall of the King.*

Hereupon, the Commons resolved to rid their hands of King and Lords together; and presently they voted, *That all Members of the House of Commons, and others appointed by order of that House, or Ordinances of both Houses of Parliament, to act in any Ordinance wherein the Lords are joyned, shall be impowred and enjoyned to sit, and act, and execute in the said severall Committees of themselves, notwithstanding the House of Peers joyne not with them therein.* Upon the debate, many hot-brain'd men insifted upon it, *That the Lords who rejected the Ordinance should be themselves Impeached for favouring the grand Delinquent of England* (you see the King was likely to have much justice, when his Judges must either condemne Him, or be condemned) others thought it more prudence to touch their Priviledges, and let alone their Persons.

Die Iovis, 4. Jan. 1648. The Commons passed these 3. Votes,

1. *That the People* (that is, their own faction, according to their said Principle) *are under God the originall of all just power.*
2. *That the Commons of England in Parliament assembled, being chosen by, and representing the People, have the supreme power of this Nation.*
3. *That whatsoever is enacted or declared for Law by the House of Commons assembled in Parliament, hath the force of Law: and all the People of this Nation are concluded therby, although the consent or concurrence of the King or House of Peers be not had thereunto.* This chain-shot sweeps away King, Lords, Laws, Liberties, property, and fundamentall Government of this Nation at once; and deposits all that is, or can be neer or deare unto us *in scrinio pectoris*, in the bosomes and consciences of 50. or 60. factious covetous Saints, the dregs and lees of the House of Commons, sitting and acting under the power of an Army: and yet the House of Commons never had any *Power of Iudicatory* from the Houses; our Lawes are first shrunk into arbitrary Ordinances of both Houses; and now into Orders of a remaining Faction of one House.

A question in Divinity voted in Parliament never agreed to by Divines. This we find *de factis*, in the subversion of our Religion, Lawes, Liberties and Properties, though not *de jure*. You see that since both Houses ravished the Supremacy from the King, and a petty faction

ture, nor can legally administer an Oath; but this in pursuance of their aforefaid Principle, That they may pass through any form of Government to carry on their Design: The Diurnall tells you, there was not a Negative Voice: this shews under what a terror they sit, when in (things so apparently untrue) no man durst say, No: so the said Declaratory Vote and Ordinance for Triall of His Majesty (by a Court Martiall, if the Diurnall speak true, and yet the King no Prisoner of War) was passed onely in the name and by the Authority of the Commons: Notwithstanding, the Order of the House, That the Clerk should not deliver a Copy of the said Ordinance to any man, I here present the Reader with a Copy thereof.

* An Act of Parliament of the House of Commons for
Tryall of Charles Stuart King of England.

59.
The Act for
Triall of the
King.

V Hereas it is notorious that Charles Stuart the now King of England, was not content with the many encroachments which his Predecessors had made upon the People in their Rights and Freedoms, but had a wicked Design to subvert the ancient and fundamentall Laws and Liberties of this Nation, and in their place to introduce an Arbitrary and Tyrannicall Government, and that besides all evil waies to bring His Design to pass, He hath prosecuted it with fire and sword, levied and maintained a Civill Warre in the Land, against the Parliament and Kingdom; whereby this Countrey hath been miserably wasted, the publique Treasure exhausted, Trade decayed, thousands of People murdered, and infinite of other mischiefs committed, for all which high offences the said Charles Stuart might long since have been brought to exemplary and many others. condigne punishment.

Whereas, also the Parliament well hoping that the restraint and imprisonment of His Person, after it had pleased God to deliver Him into their hands, would have quieted the distempers of the Kingdom, did forbear to proceed judicially against Him, but found by sad experience that such their remissness served onely to encourage Him, and His Complices in the continuance of their evil practices, and raising new Commotions, Rebellions, and Invasions: For prevention of the like and greater inconveniences, and to the end no chief Officer or Magistrate may hereafter presume Traiterously and maliciously

to imagine or contrive the enslaving or destroying of the English Nation, and to expect impunity. Be it enacted and ordained by the Commons in this present Parliament assembled, and it is hereby enacted and ordained, that

Thomas Ld. Fairfax,
Generall.
Oliver Cromwel. Lieu.
Generall.
Com. Gen. Ireton.
Major. Gen. Skippon.
Sir Hardresse Waller.
Col. Valentine Walton.
Col. Thomas Harrison.
Col. Edward Whalley.
Col. Thomas Pride.
Col. Isaac Ewer.
Col. Rich: Ingolsby.
Sir Henry Mildmay.
Sir Tho: Honywood.
Thomas Lord Grey.
Philip Lord Lisle.
Will: Lord Munson.
Sir John Danvers.
Sir Tho: Maleverer.
Sir John Bowcher.
Sir James Harrington.
Sir William Breton.
Robert Wallop, Esquire.
Will: Henningham, Esq.
Isaac Pennington, Alderman.
Thomas Askins, Ald.
Col. Rowland Wilson.
Sir Peter Venemorth.

Col. Henry Martyn.
Col. William Paresoy.
Col. Godfrey Bosvill.
John Trenchard, Esq.
Col. Harbottle Morley.
Col. John Berkstead.
Col. Mat. Tomblinson.
John Blackstone, Esq.
Gilb: Millington, Esq.
Sir Will: Cunstable.
Col. Edward Ludlow.
Col. John Lambert.
Col. Jo. Hutchingson.
Sir Arth: Hazlerigge.
Sir Michael Livesley.
Rich: Saloway, Esq.
Humph: Saloway, Esq.
Col. Rob: Tichburn.
Col. Owen Roe.
Col. Rob: Manwaring.
Col. Robert Lilburn.
Col. Adrian Scroop.
Col. Richard Dean.
Col. John Okey.
Col. Robert Overton.
Col. John Harrison.
Col. John Desborough.
Col. William Goffe.
Col. Rob: Dukensfield.
Cornelius Holland, Esq.

John Carne, Esq.
Sir Will: Armine.
John Jones, Esq.
Miles Corbet, Esq.
Francis Allen, Esq.
Thomas Lister, Esq.
Ben: Weston, Esq.
Peregrin Pelham, Esq.
John Gourdon, Esq.
Serj. Francis Thorp.
John Nut, Esq.
Tho: Challoner, Esq.
Col. Algern: Sidney.
John Anlaby, Esq.
Col. John Moore.
Richard Darley, Esq.
William Saye, Esq.
John Aldred, Esq.
John Fagge, Esq.
James Nekitrop, Esq.
Sir Will: Roberts.
Col. Francis Lassels.
Col. Alex: Rixby.
Henry Smith, Esq.
Edmond wilde, Esq.
James Chaloner, Esq.
Josias Barnes, Esq.
Dennis Bond, Esq.
Humph: Edwards, Esq.
Greg: Clement, Esq.

John.

John Fray, Esq.
Thowogon, Esq.
Sir Greg: Norton.
Serj. John Bradshaw.
Col. Edm: Harvey.
John Dove, Esq.
Col. John Venn.
John Foulks, Ald.
Thomas Scot, Alder.
Tho: Andrews, Ald:
William Cawley, Esq.
Abraham Burrell, Esq.
Col. Anthony Stapley.
Roger Gratwicke, Esq.
John Downs, Esq.
Col. Thomas Horton.
Col. Tho: Hammond.
Col. George Fenwick.
Serj. Robert Nichols.
Robert Reynolds, Esq.
John List: Esq.
Nicholas Love, Esq.
Vincent Potter.
Sir Gilbert Pickering.

John Weaver, Esq.
John Lenshall, Esq.
Sir Edward Baynton.
John Corbet, Esq.
Thomas Blunt, Esq.
Thomas Boone, Esq.
Augustin Garland, Esq.
Augustin Skinner, Esq.
John Dickswell, Esq.
Col. George Fleetwood.
Simon Maine, Esq.
Col. James Temple.
Col. Peter Temple.
Daniel Blagrove, Esq.
Sir Peter Temple.
Col. Thomas Waight.
John Brown, Esq.
John Lowry, Esq.

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Mr. *Bradshaw*, nominated President.

Counsellors assistant
to this Court, and
to draw up the
Charge against the
K I N G, are,
Doctor *Doriflan*.
Master *Steel*.
Master *Aske*.
Master *Cooke*.

Serjeant *Dandy*, Ser-
jeant at Arms.

Mr. Philips, Clerk to
the Court.

Messengers and door-keepers are,
Master *Walsford*.
Master *Radley*.
Master *Paine*.
Master *Powel*.
Master *Hull*.
And Mr. *King* Crier.

shall be, and are hereby appointed Commissioners and Judges for the hearing, trying, and Judging of the said Charles Stuart; and the said Commissioners, or any 20 or more of them shall be, and are hereby Authorized and Constituted an High Court of Justice, to meet at such convenient times and place as by the said Commissioners or the major part, or 20. or more of them under their band and seals shall be appointed and notified by publick Proclamation in the great Hall, or Palace-yard of Westminster, and to adjourn from time to time, and from place to place, as the said High Court or the major part thereof meeting shall hold fit, and to take order for the charging of Him the said Charles Stuart with the Crimes above mentioned, and for the receiving His

These wife men of *Gosham* could not tell whether Witnesses upon oath were necessary upon Trials of life and death. But (I confess) that upon the defensive part, upon Indictments; Witnesses upon oath were not to be heard against the King, much more Accusers of the King. * The Generall is no Officer of justice. All well affected Persons rag and rag in red to assist in a Tumultuary way to destroy the King, if need had been, that is, all Antimonarchists.

60.
A new Great Seal to be made.

But at last they stumbled at a rub not foreseen; they could not use the old Great Seal against Him, because it was the Kings Great Seal (no more could they use any of our Laws, Courts, or Judges against Him, because they are all the Kings) the Sculpture upon it is, *Carolus Dei Gratia*, neither would the Grace of God square with their proceedings: they must therefore make a new Great Seal; but that was long a making, and their fingers were in the fire; they therefore proceeded without any Commission under Seal, onely upon the said Ordinance, and every Commissioner set his own hand and seal to the publique instruments of their proceedings: what need ceremonies when men are resolved upon the substance?

61.
The Jews petition the Council of War to have the Statute of their banishment repealed.

About this time the Hebrew Jews presented a Petition to the uncircumcised Jews of the Councell of Warre, That the Statute of Banishment against them may be repealed, and they re-admitted to a share of the Trade amongst us; They offer for their re-admission, *S. Pauls Church*, and the Library at *Oxford*, 500000*l.* but 700000*l.* is demanded: *Hugh Peters* and *Harry Martin* sollicitate the business. Upon this occasion was published this Paper ensuing.

The

* The last damnable Design of *Cromwel* and *Ireton*, and their J unto or Cabal; intended to be carried on in their General Council of the Army, and by their journey-men in the House of Commons, when they have engaged them desperately in lin, past all hope of Retreat by murdering the King.

62.
A Paper published upon occasion of the Jews Petition.

Major White, a Member of the Army, long since at Putney foretold, That shortly there would be no other power in England, but the power of the Sword; and Will. Sedgwick in his Book called [Justice upon the Armies Remonstrance] saith, The Principle of this Army is, To break the Powers of the Earth to pieces: and John Lilburn in his [Plea for Common Right] p. 6. saith, The Army by these extraordinary proceedings, have overturned all the visible Supreme Authority of this Nation, that is, they have, and will, by seizing upon the Members of Parl. dissolving it, and setting up a new invented Representative, and bringing the King to capital punishment, and dis-inheriting his Posterity, subvert the Monarchical Government, and Parliaments of this Kingdom; the Laws and Liberties of the People, and so by bringing all to Anarchy and confusion, put the whole Government of the Land under the Arbitrary power of the Sword.

In order to which, they have, and will overturn the Government of the City of London by a Lord Mayor and Aldermen, and govern it by Commissioners, and a schismatical Common Council of Anabaptists illegally chosen, and deprive them of their Charter of Incorporation and Franchises; and this shall be a leading case to all the Corporations of England.

Their next Design is, to plunder, and disarm the City of London, and all the Country round about; thereby to disable them to rise when the Armie removes, but not to the use of the Souldiers, (although they greedily expect the first Week in February the time appointed) from whom they will redeem the plunder at an easie rate; and so sell it in bulk to the Jews, whom they have lately admitted to set up their banks and magazines of Trade amongst us, contrary to an Act of Parliament for their banishment; and these shall be their Merchants to buy off for ready money, (to maintain such Warrs as their violent pro-

proceedings will inevitably bring upon them) not onely all Sequestred and plundered goods, but also the very bodies of Men, Women, and Children, whole Families taken Prisoners for sale, of whom these Jewish Merchants shall keep a constant traffick with the Turks, Moors, and other *Maabometans*; the *Barbadus*, and other English Plantations being already cloyed with Welch, Scottish, Colchester, and other Prisoners imposed by way of Sale upon the Adventurers: and this is the meaning of Hugh Peters threat to the London Ministers, That if another War followed, they will spare neither Man, Woman, nor Child: For the better carrying on of which Design, the said Cabal, or Junto, keep a strict correspondence with Owen Roe Oneale, the bloodie Popish, Antimonarchical Rebel in Ireland, and the Popes Nuntio there. The Antimonarchical Marquess of Argyll in Scotland; the Parisian, Norman and Picardie Rebels in France, and the Rebel King of Portugal. If danger be not held so close to your eies that you cannot discern it, look about you English. But this Kingdome is not to be saved by men that will save themselves; nothing but a private band, and a publike spirit can redeem it

63.
Master Pryn's
second Letter
to the General.

The 3. Jan. 1648. Master Pryn sent a Letter to the General, demanding what kind of Prisoner, and whose he was? as followeth.

* To the Honourable, Thomas Lord Fairfax,
General of the present Army, these present.

My Lord,

IT is now a full Months space since I (with other Members of the Commons House) have been forcibly apprehended and kept Prisoner by some of your Officers and Marshal, against the Priviledges of Parliament, the Liberty of the Subject, the Laws and Statutes of the Realm, and all Rules of justice, conscience, and right reason; without the least shadow of Authority, or any cause at all yet made known to me, of which (were there any) neither God nor man, ever yet made your Lordship or your Officers, Judges. I therefore desire to know from your Lordship, what kind of Prisoner I am? and whose? If a Prisoner of peace, neither

neither your Lordship, nor your Officers, are any Justices of peace, or Civill Magistrates in this place, to restrain me for any civill crime were I guilty of it; much less without proof or hearing, in case I were no Member: but being neither guilty nor accused of any such crime, and a Member too, no Magistrate can, nor ought to imprison me upon any pretext, at least without the Houses licence first obtained, If a Prisoner of Warre, which I cannot probably be, being never in Arms, and apprehended neer the Commons House door, going peaceably and unarmed thither to discharge my duty; then you, and your Officers thereby acknowledge, That you have levied Warre against the Parliament, and its Members: and what capital offence this is, and what a punishment it deserves, I need not inform your Lordship, or your Councell, who have for this very crime, condemned and shot some to death, as Traytours; and demanded speedy justice and execution for it upon the King himself.

I have but one thing more to trouble your Lordship with, and that is to demand whose Prisoner I am? having yet seen no Warrant nor Order from your self, or your Officers, for my restraint, though I have oft demanded it of your Marshall: If your Lordships Prisoner, there appearing yet no legall Authority, cause, or Warrant, for my restraint; I must then crave so much justice from your Lordship (being but a Subject, and not yet paramount all Laws) to order your Attourney to give an Appearance for you in the *Kings bench*, the first return of the next Term, to an action of false Imprisonment, for this my unjust restraint; which I intend (by Gods assistance) effectually to prosecute. If your Officers Prisoner onely, and not yours, which I conceive, who yet abuse your name and authority herein, though it be a rule in Law and Divinity too, *Qui non prohibet malum quod potest; jubet*; yet I shall be so just, as to set the saddle upon the right horse, and commence my action onely against such of your Officers, who have been most active in my Imprisonment, for damage and reparations; which if there be any justice remaining under Heaven, I doubt not but I shall recover in Gods due time, in this publick cause, which so highly concerns the honour, freedom, and Priviledges of Parliament, and Subjects Liberties; for defence and maintenance whereof, as I have hitherto spent my strength

strength, adventured my life, body, liberty, and estate ; so shall I now again engage them all, and all the friends and interests I have in heaven and earth, rather than they shall suffer the least diminution, prejudice or eclipse by my stupid patience under this unjust captivity ; though I can as willingly forgive and put up private injuries, when the publike is not concerned as any man. All which, I thought meet to inform your Lordship of, whom I am heartily sorry to see so much dishonoured, abused and misled by rash ill-advised Officers, and dangerous, destructive (and I dare say, Jesuitical) Councils, to the Parliaments dissipation, the Kingdoms prejudice, Irelands loss, most good mens, and Ministers grief, your best Friends astonishment, your Enemies and the Papists triumph, our Religions scandal, and your own dishonour : which I beseech you as an Englishman, a Christian, a Professor of piety and Religion, a Souldier, a General, to lay sadly to your heart, as the earnest request of

From my Prison at the
Sign of the Kings
Head in the Strand,
3. Jan. 1648.

Your Lordships faithful Friend
and Monitor,

William Pryn.

** An Additional Postscript.*

WE reade, *Luke 3. 14.* that when the Souldiers demanded of *John Baptist*, saying, and *What shall we do?* he said unto them, *Do violence to no man, (or put no man in fears) neither accuse any falsely, and be content with your allowance :* not imprison, depose, or murder Kings, pull down Parliaments, imprison, violently shut out, and drive away Parliament men, and then lay all false accusations and scandals upon them, to colour your violence, subvert Kingdoms, alter States, break all bonds of Laws, Oaths, Covenants, Obligations, Engagements to God and Men ; usurp all Civil, Military and Ecclesiastical power, and the Kings Royal Palaces into your own hands, as supreme Lords and Kings ; raise what new forces, and levie what new Taxes you please, take up what Free-quarters and Houses, seize and plunder what publike Treasuries & monies you please

please, without Commission or Authority, obey neither God nor Man, neither Parliament nor Magistrate, and be content with nothing, but alter, and subvert all things. These are Saint Peters new doctrines and Revelations, to our Officers and Souldiers now, & those Jesuits who lurk amongst them, not *John the Baptist*, whose Canonicall advice is now rejected as Apocryphall, even among the Army Saints, who preferre every *ignis fatuus*, though from *Doway* or *Rome* it self, before this burning, and shining old light, and are guided onely by a new minted law of pretended providence or necessity of their own forging, and not by the revealed will and law of God, the sacred light whereof their present works of darkness dare not approach, lest they should be reproved and condemned by them. But some 43. Actions of false imprisonment by the imprisoned, and 150. Actions of the Case by the secluded Members, brought against these domineering lawless Officers and Grandees of the Army, wherein good Damages will be recovered, and some 12. Indictm: of High Treason against them for laying violent hands upon the Kings Person, and the Members, and leavying War against the Parliament, will teach them more obedience, humility, and modesty then either *John Baptist*, Saint *Paul*, Saint *Peter*, or Saint *Peters* will do; and be like *Gideon* thorns and briers of discipline to these men of *Succoth*, with whom no fair means will prevail; who might have learned so much law and justice from a Heathen Souldier and Governour *Festus*, Acts 25.27. *It seemeth unto me unreasonable to send (much more to commit) a Prisoner, and not withall to signifie the crimes laid against him; and come short of that ingenuity of the heathenish chief Captain who seized upon Paul, thereby to appease the Tumult at Hierusalem, Acts 22.27,29. who as soon as ever Paul told him, he was a Roman, & Free-born; then straight way they departed from him who should have examined him: and the chief Captain also was affraid, after he knew that he was a Roman, and because he had bound him. And should not false imprisoning of a Parliament-man & Free-born English-man be as formidable to our chief Captains (being a Christian, I say, sworn and vowed to defend the Houses Priviledges, and Members Persons) as the Imprisonment of a Roman was to this chief Captain, and they as ingenions and just*

as he, who shall rise up in judgement against them, and condemn them at the last.

I shall close up all with this observation. That as the most glorious Angels in Heaven, when they fell (through pride and ambition, as most conceive) became the very foulest Devils in Hell; so the most resplendent seeming hypocriticall Saints when they fall through the like sins, and have power in their hands, become the most incarnate Devile, and Monsters of treachery and tyranny upon earth, exceeding Turks and Pagans therein, of which we have now sad experience in our Army-Saints, who every day aggravate, and yet justify their impieties and exorbitances. 2 Chron. 28. 11. *Now hear me therefore, and deliver the Captives again, which ye have taken Captives of your Brethren: for the fierce wrath of God is upon you.*

Will : Pryn.

64.
Another
forg'd Letter
endeavoured
to be fastned
upon
Sheriff
Brown.

The Saints having nothing to say against Major Gen. Brown, (unless they should accuse him for being true to King, Parliament, City and Kingdom, and to all the first declared Principles of this Parliament) fell to their old trick to fasten another counterfeit Letter upon him : wherefore a Man coming to S. James (where he was then imprisoned) desired, in the hearing of all present to speak with him in private : Major Gen. Brown told him, He was not for private conference, and bade him speak openly; then the Fellow presented a Letter to him, saying, It was from the Prince: but Major Gen. Brown (remembring the like trick put upon him before) called for the Guard to apprehend him, when presently the Messenger threw the Letters into the fire, and the Marshall catching them out halfe burnt, affirmeth, He saw Charles Prince, written upon them. Sanctified eyes may see through the spectacles of their own fantasie what they please, to accomplish their Design, and therefore they have a new principle or light (which as the 7. May, be added to the aforesaid 6.) that though they have no proofs nor evidence against a man, yet if in their consciences, they think him guilty, they may condemn him upon the testimony of their own consciences; this is to condemn by Revelation such whose blood they desire to suck. This supposed Messenger from the Prince was seized by the Guard;

Guard, but no proceedings against him heard of; which argues it was but a snare set to catch the Major.

About this time (to second this device) a man gallantly clothed and mounted, comes to the Beare in the Strand, gives the Hostler a Piece, and bids him have a care of his Horse; then goes into the City, and (the Plot being forelaid) was taken there with Letters subscribed with the Princes name, to divers Citizens and Members against whom they want matter of accusation. I hear no more of this matter yet; this is a device designed, to be awakened hereafter, if any shall oppose the present actions of the Army, and their Parliament.

Cromwell, Ireton, and Hugh Peters have several times made it their errand to go into the City and visit the Ministers, giving them threatening Admonitions, not to preach any thing against the Actions of the Army and their Parliament: But Hugh acted his part above them all, he took some Musketers with him to the house of Mr. Calamy, and knocking at the door, a Maid asked whom he would speak with? he told her, with her Master? she asked his name? he replied, Mr. Hugh Peters, the Maid going up the stairs to acquaint her Master, (who was above-stairs in conference with some Divines) over-heard Peters say to the Soldiers, The very name of Peters will fright them all: Peters being called up the stairs, told Mr. Calamy, He was commanded by the General to warne him to come before him: Mr. Calamy (leaving Peters vapouring and canting Religion and non-sense to the rest of the Divines) slipped down stairs and went to the General to know his pleasure, telling him, He had bin summoned before him by Hugh Peters: the General said, Peters was a Knave, and had no such directions from him.

Since this, the Council of Warr (finding it difficult to stop the Ministers mouths) have sundry times debated, How to shut up the Churches doors in the City, for Reformation of the Church, and propagation of the Gospel: they have imprisoned Mr. Canton (a worthy Minister) for praying for King CHARLES, and threaten to try him for his life in the Upper Bench (forsooth) which all the Lawes call, the Kings Bench: and upon their new Acts of Parliament, made by a ninth part of the Members, the small remnant or Junto of the House of Commons; notwithstanding, by The

65.

Another more general forgery to endanger whom the Faction please.

It will be proved, that divers Witnesses have bin practised and

tampered with against Mr. Brown, and others.

66.

London-Ministers threatened. See the Ministers of Londons Letter to the General, called, [A serious Representation.] Dated Jan. 18. 1648.

67.

The C. of War consider how to shut up the Churches doors.

Directory for publique Worship, (established by both Houses) the Ministers are enjoyned to pray for the King. It is said that Monsieur Paux (one of the Dutch Agents here) hath advised Cromwell, to stop the Ministers mouths by hanging up a dozen of them: and vouches a president for it in the Low Countries.

Jan. 9. The Lords sat again and passed some Ordinances, which they sent down to the Commons for their concurrence, to feel their pulse whether they would vouchsafe to take so much notice of them; the Commons laid them aside after some expressions of disdain.

This day Sergeant Dandie, Sergeant at Arms to the Commissioners for Triall of His Majesty, rode into Westminster-hall with the Mace belonging to the House of Commons upon his shoulder, and some Officers attending him, all bare, and 6. Trumpeters on horseback before him, Guards of Horse and Foot attending in both the Palace-yards, the 6. Trumpeters sounded on horseback in the middle of the Hall, and the Drums beat in the Palace-yards, after which a Proclamation was read aloud by Mr. King, one of the Messengers of the said High Court of Justice, to this purpose; To give notice, that the Commissioners were to sit tomorrow, and that all those that had any thing to say against CHARLES STUART King of England might be heard. The like was done in Cheapside, and at the Old Exchange.

This day the remainder of the House voted their Great Seal to be broken, in order to the making of a new one, justly putting the same affront upon their own Seal, which they had formerly put upon the Kings. Upon these occasions Mr. Pryn (it is said) published his Memento to the unparliamentary Junto, therein telling the House, That being forcibly secluded from the House by the Officers of the Armies violence, whereby he could not speak his mind to them freely in, or as the House of Commons, yet he would write his thoughts to them as private Persons onelie under a force, consulting in the House without their fellow Members advice or concurrence, about speedie Depositing and executing CHARLES their lawfull Sovereign, to please the Generall, Officers, and Counsell of the Army, (who have usurped to themselves the Supremie Auctoritie both of King and Parliament) or rather the Jesuits and Popish Priests among them.

1. By the Common Law the Stat. 25. Edw. 3. and all other Acts concerning Treason, It is High Treason for any man by overt act to compass the death of the King, or his eldest Son, though never executed; and so adjudged by Parliament in the Earl of Arundels Case, 21 Ric. 2. Plac. Corone, n. 4, 6, 7.

Cok. 5. Inst. 4.
1. Statuf.
Pleas of the
Crown, l. 1.
c. 1, 2.

2. In the Oath of Allegiance (which every man takes before he sits in Parliament) you acknowledge him to be lawful and rightful King of this Realm; and that the Pope neither of himself, nor by any authority of the See of Rome, or by any other means, with any other, hath any Power or Authority to depose the King, &c.

Exa& Collect.

3. Your selves amongst other Members, in above one hundred Remonstrances, Declarations, Petitions, Ordinances, &c. in the name of the Parliament have professed, You never intended the least hurt, injury, or violence to the Kings Person, Crown, Dignity, or Posterity; but intended to Him and His Posterity more Honour, Happiness, Glory, and Greatness than ever any of His predecessors enjoyed. That you would make good to the uttermost with your Lives and Fortunes the Faith and Allegiance you have alwaies born to him. That all Contributions, Loans, should be imploied onely to maintain the Protestant Religion, the Kings Authoritie, Person, Royal Dignitie, Laws of the Land, Peace of the Kingdome, and Priviledges of Parliament. That the Forces raised by the Parliament were for defence of the Kings Person, and of both Houses. That the Parliament will ever have a care to prevent any danger to his Person. That they are resolved to expose their lives and fortunes for maintenance of the Kings Person, Honour, and Estate, and the Power and Priviledges of Parliament, when the King taxed the Houses for insinuating, That if they should make the highest Presidents of other Parliaments their pattern, (that is, depose the King) there could be no cause to complain of them: Both Houses by two Declarations protested against it, saying, That such thoughts never entered, nor should enter into their loyal hearts.

p. 16, 19, 21,
59, 66, 83, 102,
103, 118, 123,
125, 141, 142,
143, 173, 180,
195, 219, 259,
281, 307, 380,
312, 360, 376,
457. A Col-
lect. &c. p. 13,
18, 41, 43, 44,
49, 51, 61, 64,
96, 181, 162,
340, 341, 424,
425, 499, 599,
623, 696, 806,
807, 879.

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15.

Exa& Collect.

p. 298, 698,

696, 657, 658,

991.

Collect. of all

Orders, p. 8,

13, 41, 43, 44,

49, 51, 61, 64,

96, 99, 623,

696, 879.

Appendix p.

15.

4. By the Protestation, They declare in the presence of God to defend the Kings Person and Estate, and that their Armies under Essex and Fairfax, were raised for that purpose inter alia.

5. By the National Covenant, They vowed to defend the Kings Person and Authoritie in preservation of true Religion and Liberties

of the Kingdom, and that they will all the daies of their lives continue in this Covenant against all opposition.

6. You monopolize the Supreme power into your own hands, robbing both King, Lords, and the rest of your fellow Members thereof, whom you are content should be violently shut out by your Army, who have leavied War against the Parliament to dissolve it; till the removall of which force, and restoring your

Also, 15.E. 3. Members with freedom and safety, you ought not to sit or Act
n. 5. 17.E. 3. n. in your Armies own doctrine in their Remonstrance, Aug. 18.
2. 6. 18.E. 3. n. and by the Declaration and Ordinances of both Houses, Aug. 20.
1. 2. 5. & c. 1. R. 1647. Sec 21. R. 2. c. 12. 1. H. 4. c. 3. 31. H. 6. c. 1. 39. H. 6. c. 1. See
2. n. 1. 2. R. 2. n. the memorable Record, 6.E. 3. Parl. apud Ebor. n. 1, 2 *verso* clauso.
1. 3. R. 2. n. 1. 4. the memorable Record, 6.E. 3. m. 4. 6. E. apud Westm. Parl. 2. n. 1. 13, E. 3. Parl. 2. n. 4. &
R. 2. n. 1. 5. R. 2. 6.E. 3. m. 4. 6. E. apud Westm. Parl. 2. n. 1. 13, E. 3. Parl. 2. n. 4. &
Parl. 1. n. 1. many more Rolls, where Parliaments, when any considerable number
Parl. 2. n. 1. 8. of Members of either House were absent, refused to sit (though under
H. 4. n. 28. no force) till the House were full.

* 72.
The Armies
parry in the
disapprove the
matter of the
Co: of Offi-
cers accusato-
ry Ans. against
the secured
Memb: with
out hearing
them. See Mr.
Lo: Geertes
Ans. to that
silly Sophister
Lo: Goodwin,
called, Might
overcoming
right.

7. You have neither Law nor president for what you do,
Edw. 2. Rich. 2. were forced by Mortimer and H. 4. to resign
their Crowns in a formall way, one to his Son, the other to his
conquering Successor, neither of them to the Parliament, and
at last Deposed by a subsequence Sentence of Parliament, as unfit
to Reign, without any formall Triall.

* Jan. 11. 1648. The House read the Answer of the Generall
Counsell of the Army, concerning the secured and secluded
Members, and (as I have formerly said, without hearing what
the said Members could say for themselves, approved the matter
of it: whereupon the secured and secluded Members, 20. Jan.
1648. (with much ado) got printed their Vindication, against
the Aspersions cast upon them in The humble Answer of the Generall
Counsell of the Officers of the Army, concerning the securing & seclu-
ding of the said Members: The sum whereof is as followeth.

By the Preamble of this Answer, and by the Proposals of the
6. Decemb. and the late Declaration and Remonstrance therein
cited, it appears this Design to break the House by force hath
been long since plotted and contrived with action. The Gene-
rall Councell of the Army in their said Answer, say, Is a course
in it self irregular and not justifiable, but by honest intentions and extra-
ordinarie necessity: the weakness of which Answer we must exa-
mine,

* 73.
The sec. and
seck Memb.
Defence
against the
scandalous
Ans: of the C:
of W:

mine, but first must state the case between us: They are an Army raised by Ordinance of Parliament, of 15. Febr. 1644. for defence of King and Parliament, the true Protestant Religion, the Lawes and Liberties of the Kingdom, and to be from time to time subject to such Orders and Directions as they shall receive from both Houses of Parliament: and to this end they stand commissioned by them, and receive pay from them to this day. And besides this trust thus lying upon them, they are under the obligation of a solemn Covenant, sworn to God, That they will in their place and callings, with sincerity, reality, and constancy with their estates and lives, preserve the Rights and Priviledges of the Parliament, and the Liberties of the Kingdom, and defend the Kings Person and Authority in defence of the true Religion, and Liberties of the Kingdom; they being under the said trusts and Oath, march up to Westminster (contrary to order) in a hostile way, forcibly secured, secluded, and drove away many of the Members: the Question is, Whether this Action be Justifiable upon pretence of Honest intentions and Necessity?

Their good intentions cannot be known but by their expressions and actions, and they referre us to their Proposals, Declarations, and Remonstrances, where we find their desires are:

1. To take away the Kings life.
2. To take away the lives of the Prince, and the Duke of Yorke; at least to dis-inherit both them and all the Kings Children.
3. To put a period to this Parliament.
4. To set up a new Representative of their own, which takes away all Parliaments.
5. To have an Elective King, if any.

These are their Honest intentions for publick good, which must come in to justice their waging warre against their Masters this Parliament: To name them, is to confute them, as being apparently against the Laws of God and the Land, under which they live, and which they are engaged to maintain, we shall produce no other Witnesses to prove this but themselves. On the 15. of Novemb. 1647. The agreement of the People, (which is lower in demands than these which they call, *Honest intentions for publick good*) was condemned by the Army. The promoting it in the
Army.

Army judged *mutinous and capital*; Col. Rainsborough and Major Scot complained of in the House for appearing in it, and the Paper it self adjudged by the House, *destructive to Government, and the being of Parliaments.*

The second pretence or principle is, *Extraordinary Necessity for the same end.*

To this we say, 1. The Armie made the same plea of *necessity* in their Remonstrance, *June 23. 1647.* upon quite contrary grounds to what they express now, and both to justify the same violent proceedings against the Parliament, then when the King was seized upon by a party of the Armie (without Order from the House) and the Army advanced against the Parliament. They say in their Letter to the House, *July 8. 1647.* There have been several Officers of the Army upon several occasions sent to his Majesty: The first, to present to Him a Copie of the Representations; and after that some others, to tender Him a Copie of the Remonstrance: Upon both which, the Officers sent were appointed to clear the sense and intentions of any thing in either paper, whereupon his Majesty might make any Question. There the Army treated with the King, yet now they offer violence to the Parliament for treating with the King. Then in their Remonstrance, *25 June 1647.* they say, *We clearly profess, we do not see how there can be any peace to this Kingdom firm and lasting without a due consideration of, and provision for the rights, quiet, and immunities of His Majesties Royal Family, and his late partakers; now they judge the majority of the House corrupt for moving one step towards a peace with the King, though he hath now granted more to them than all the Armes Proposals then demanded of Him. Thus they make this general plea of Necessity serve to justify the considerations; which they are put to by making themselves Judges of those like necessity things they have no calling to meddle with; for by what Authority are they Judges of publike Necessity?*

Turn back to
sect. 2. and see
my Animad-
vers. upon the
Army, 10 Nov.
1648. p. 4, 5,
6, 7.

The Parlia-
ment thought
it not reason-
able the King
should be sole
Judge of pub-
like necessity
things they
have no calling
to meddle with;
for by what
Authority are
they Judges of
publike Necessity?

Return to sect.
18. where I
set down six
of their Prin-
ciples.

2. This principle (*Necessity*) is destructive to all Government, for as the General Officer urgeth *necessity* for acting against the Commands and Persons of his Superiours; and arrogates to be Judge of that *Necessity*, the Inferiour may urge the same: *Necessity* (in his judgement) to act against the Commands of his General. The Souldiers against their Officers: any other

20000. men in this Kingdom against this Army, and this Army (as against this Parliament) so against any other Representative or Government; and so *in infinitum*.

3. The Commons in Parliament are not accountable for the use of their trust to any but the House, being Trustees of the People, not by Delegation, but by translation: all the power of the people being transferred to them for advising, voting, and assenting (according to their judgements, not according to the judgements of those that sent them) for otherwise the parties their election, though electing, and those elected, differing in judgement, one might protest against what the other had done, and so make void all Acts of Parliament. But if their Acts were valid or void at the Electors judgements, yet were the Members onely accountable to them that sent them, not to Strangers, and in no case to the Army, who are themselves but in subordinate trust to the Parliament for their defence.

4. This violence upon the Members, is not onely contrary to the Armies trust, but against their Covenant and Protestation: the breach whereof being a morrall evill cannot be made good by honest intentions and necessity.

The particulars of the said Generall Officers Answer, upon which this pretended Necessity is grounded, are six: but we must first take notice what is said from the end of the 2. pag. to the end of the 5 before we enter upon them: the summe is, *That by the endeavours of some old Malignant Members, and by practises used in new Elections there came in a flood of new Burgeses that either are Malignant or Neuters.* To this we say, what is done by the majority, is the Act of the whole House; and what is done against the majority, is done against the whole House: nor was the Ordinance for New Elections carried on by old Malignants, unless the major part of the House were alwaies such, and before the new Elections. It is not hard to shew that many of the Officers of the Army came in upon the last Elections, and were chosen by those places where they are scarce known: upon what influence therefore they came in, let the world judge. And now for the said 6. particulars objected.

to keep them, and chuse their own time to deliver them and Souldiers (under colour of keeping the peace) became great Stricklers in Elections,

In all new Elections there were 2. Independents chosen for one of any other principles, Independents were then Commissioners for the Great Seal, and delivered Writs to men of their own Party, who had the advantage

The Army betrayed Ireland by their disobedience.

They would neither go for Ireland themselves, nor suffer others to go, 1 part. sect. 16. & 55. 57.

This Lord went late, carried over 160000l. for which he hath not yet accounted, began a quarrell with Inchiquine and put him into discontent, and then returned. See the Irish Letters and Papers to the House in print.

1. The betraying of Ireland into the Enemies hands, by recalling the Lord Lysle from his command there, and putting the best part of the said Kingdom and where the Parliament had the strongest footing (Munster) into the hands of Inchiquine a Native Irish; who hath since Revolted from the Parliament, hath lately united with the Irish Rebels; and with them and Ormond for the King. To this we say, the Lord Inchiquine came in and brought Munster to the Parliament, and preserved their Interest in Ireland, in all the heat of their Warres in England, when they had little other Interest there, and less means to relieve them; the Lord Lysle was not recalled from his Command there, but his Commission for Lord Lieutenant expiring, 15. April, 1647. on the 17. April, he hoysed sayle for England: after the Lord Lysles return for England, the Lord Inchiquine did gallant service against the Rebels, took many strong Holds from them, and won the Battel of Knockenagone, one of the greatest that ever was gotten of the Rebels. The House therefore approved of his behaviour untill 3. April, 1648. when (the Army having led the way) the Lord Inchiquine (taking distast thereat) by way of imitation, began to enter into Engagements and Remonstrances against the Parliament, (as it was then constituted) for which he made the Remonstrances, Engagements, and Declarations of the Army the Summer before, both the cause and precedent; as by the printed Relation doth appear.

2. Their endeavours to bring in the King upon His own Terms, without satisfaction and security to the Kingdom, viz: upon His Message of the 12. of May, 1647. and to this end to Disband this Army before any peace made or assured. To this we say, the House of Commons upon the first notice thereof, voted the said Engagement of the 12. of May Treasonable; and by Ordinance, 17. Decemb. 1647. put an incapacity upon such Citizens as had any hand in it, which evidenceth, we were here in a right majority, as in other parts of their Paper they take the Votes of the House to prove us a corrupt majority: The charge here lying in general, and not fixed upon any particular. Concerning Disbanding the Army; we say, the House voted 8. Regiments of Foot, 4. of Horse and 1. of Dragoones, to be sent out of the Army for Ireland, and resolved to keep 10000. Foot, and 5400. Horse under Command of the

the Lord Fairfax for defence of England. This was, 1. For Relieving Ireland. 2. For easing the heavy pressures of the poor People in England. And 3. an honorable employment for the Forces of the Army, to prevent such high distempers as have since ensued.

3. That they endeavoured to protect the 11. impeached Members from justice, and with them to raise a new Warre. To this we say, we gave them no other protection than the Laws allowed them. For the mispending 200000l. designed for Ireland; we say, that 80000l. thereof was paid to Nicholas Lofius, and others, for service of Ireland, and above 50000l. to the Treasurers at Warre for the Army; which may more reasonably be said to be misemployed (because the Army had an established pay another way) than what the Reformed Officers and Souldiers (who obeyed the Orders of the House for Disbanding) received, who nevertheless pressed upon the House the more earnestly for their Arrears, after the Declarations and Remonstrances published by the Army for paying the Arrears of all the Souldiers of England.

4. Their countenancing, abetting, and partaking with the Tumult of Apprentices, and others against both Houses of Parliament. To this we say, that we wonder they should urge the force offered to the House then (which they declared, horrid and treasonable) to justify the violence acted upon the House by themselves of a much higher nature. This is a meer fiction of the Pen-mans, which we do every one of us for our selves respectively deny.

5. The holding correspondence, engaging, and assisting the tumultuous Petitioners last Spring, the rebellious Insurrections in Kent, the Revolted Ships, Prince of Wales, with the Scots Army: We do every one of us for our selves respectively deny these.

6. That when the Army was dispensed and engaged in severall parts, &c. and many faithfull Members employed abroad upon publique services; and others through Malignant Tumults about this City, could not with safety attend the House. Then the corrupt and Apostating Party taking advantage of these distractions which themselves had caused: First, recalled those Members, &c. Then they recalled those Votes for Non-Addresses, and voted a Personall Treaty. To this we say, that if the proceedings of the Treaty were sur-

See my 1. part. sect. 16. 17. 18. and my said Animadversions, pag. 2. neither were they legally impeached. See *Ardua regni*, or twelve arduous doubts written in defence of the expelled Members said Members Answer to the Armes Charge.

There was a close Inquisition of Godly Car-throats purposely chosen to examine this Tumult which proceeded illegally, and used so much foul play as to accuse men upon characters of their clothes, & persons; yet malice it self could find nothing. See my 2. part. c. 4. 5. 46. to c. 54. Return to sect. 2. & 5.

Return to sect.
2. & 5. there see
the true
grounds of
these Tumults.
See wh^t u^e
they make of
providⁿce in the
a. part of Eng-
lands new
Chains.

repetitionally gotten in a thin House, why do they then complain in other parts of their Paper, *that the majority of the House is corrupt, and formed to serve the Kings corrupt Interest?* why did they force from the House above 200 Members at once; the Counties never expressed so high contempt of the Parliament, untill the like had been first done by the Armies quartering upon them.

And now let us come to that Vote of the House, 5. Dec. 1648.

That the Kings Answer to the Propositions of both Houses are a ground to proceed upon to a settlement of Peace: of which they say, That though they advanced hither to attend providence for opening some way to avoid the present evils designed, and introduce the desired good into the Kingdom, yet they said nor acted nothing in relation to the Parliament, nor any Member thereof, untill by the Vote passed, Decemb. 5. they found the corrupt majority so resolutely bent to compleat their Design in bringing in the King. Do they call their threatening Declaration and Remonstrance a saying nothing? and their marching up against the House, contrary to the Order of the House, a doing nothing in relation to the Parliament? But by these words it appears that this Vote, 5. Decemb. is the very point of that necessity they now rely upon to justify their force upon the House: For, before that passed, they say, They acted nothing, &c. we must now state the difference between the Houses Propositions, and the Kings Answer, and see whether the King did not grant all those Propositions in which the main security of the Kingdom resteth.

See Mr. Pryn's
said Speech in
the House,
2 Decemb.
1648. more at
large.

He granted the first Proposition for taking off all Declarations; as was desired.

And the third Proposition for the Militia, as was desired.

He assented to the Proposition for Ireland; limiting the time of the Parliaments disposing Officers there to 20 years.

He consented to such Acts for publique Debts and Publique Uses, as should be presented within 2. years, and incurred within that time.

He granted the Proposition concerning Peers, as was desired.

He granted the Disposing Offices in England, to the Parliament, for 20. years.

He granted the taking away the Court of Wards, having 100000l. per

per ann. in lieu thereof to be raised as the Parliament should think fit.

He granted to declare against the Marquess of Ormond's power and proceedings after an Agreement with the Parliament.

The onely difference therefore remained upon two Propositions :

1. Delinquents.
2. The Church.

For Delinquents, though He doth not grant all, His Majesty consented they shall submit to moderate Compositions, according to such Proportions as they and the two Houses shall agree.

2. He disableth them to bear Offices of publike Trust, and removes them from the Kings, Queens, and Princes Court.

3. For such as the Houses propounded to proceed capitally against, He leaves them to a Legal Tryal, and declares, He will not interpose to hinder it : which satisfies the main complaint of the Parliament which was (in the beginning of the War, *That the King protected Delinquents from justice.* And all that the House desired in the Propositions presented to him at Oxford, Febr. 1642. was, *That His Majesty would leave Delinquents to a Legal Tryal and judgement of Parliament.* But that his Majestie should joyn in an Act for taking away the Lives or Estates of any that have adhered to Him (He truly professeth) *He cannot with Justice and Honour agree thereto.*

4. Nor do we see how Delinquents (being left to the Law) can escape justice, the King having granted the 1. proemial Proposition, and (so by a Law) acknowledged the Parliaments Cause and War to be just.

For the Church, The Houses propound the utter abolishing of Archbishops, Bishops, &c. The sale of their Lands, that Reformation of Religion be settled by Act of Parliament as both Houses have, or shall agree. The Kings Answer takes away Church-Government by Arch-bishops, Bishops, &c. by taking away their Courts and Officers, and so far takes away their power of Ordination that it can never be revived again but by Act of Parliament, so that Episcopacy is divested of any actual being by the Law of the Land, and instead thereof the Presbyterian Government settled for three years by a Law ; which is for so long a time as the

Houses formerly in their Ordinances presented to Him at New-castle, did themselves think fit to settle it: For the Sale of Bi-

Every cheating Saint of the Faction must have the Publike Faith exactly kept, though he bought the Lands but at 2 or 3. years just value, and with such monies as he had formerly cheated the State of; when other men who have lost the best part of their Estates by and for the Parliament, for compensation whereof they have the publike Faith engaged by Ordinances, are consumed by Taxes, and repaid with reproaches onely.

shops Lands upon the publike Faith; we say, That although the Purchasers might well have afforded to have given the same rates for their Purchases (which they now give) if they might have had them assured by Act of Parliament for 99 years, and such moderate Rents reserved as the King intimates in his Answer; yet (in His An-

swer) he expresseth a farther satisfaction to be given them: upon which we should have insisted, notwithstanding the said Vote.

5. Decemb. 1648. We farther alledge, That the King having granted the rest of the Propositions, and so much in these 2. Delinquents, and the Church; the National Covenant doth not oblige us to make War upon this point: nothing can make Presbytery (nor the Purchasers of Bishops Lands more odious, nor endanger them more, than to make them the sole obstacle of Peace; nor could any thing more work the King to comply with our desires herein, than for us to draw a little nearer Him.

The Considerations leading us to pass the said Vote, 5 Dec. 1648. come next to be considered:

1. The saving of Ireland.
2. The regaining the revolted Navy and freedom of the Seas.
3. The support of the Ancient Government of the Kingdome.
4. The putting the people into a secure possession of their Laws and Liberties.
5. The avoiding such evill consequences as were apparently to follow a breach with the King.

Return to
Sect. 71.

As 1. the Deposing the King, if not the depriving Him of life: whereupon floods of misery will follow, and scandal to the Protestant Religion, which we (from our hearts) detest and abhor: See the many Declarations of Parliament against it.

2. The necessitating of the Prince to cast himself into the Armes of Forreign Popish Princes, and embrace Popish Alliances for his succour.

3. It may beget a change of Government, and a laying aside of Monarchy here : and so a Breach with *Scotland*, and this Kingdome (being the more rich) likely to be the Seat of the War.

4. The vast Debts of this Kingdom upon the publike Faith, will never be paid in War, but increased and multiplied : multitudes of Sufferers by, and for the Parliament like to be repayed onely with new sufferings, and every years War destroies more Families, and makes more Malignants through discontenting pressurs : until at last the Souldier seeing no hope of pay, the People no hope of peace and ease, fall together into a general and desperate tumultuousness ; the power of the Sword apparently threatening a dissolution of Government both in Church and Common-wealth.

To that scandalous Objection, which saith, *The corrupt majority will not lend an ear to admit a thought towards the laying down their own power, or rendering it back to the People from whom they received it.* We say, this Objection is unreasonable from men who endeavour to perpetuate an Army upon the Kingdom ; nor is the continuance of this Parliament singly objected, but that they will not render it back to the People, *Viz.* To a new Representative, invented and made by the Army, that is, We will not render our power into the hands of the Army.

Another Objection is, *That whatsoever the King granted, He might plead Force to break it, and spoil us by policy.* This Objection might have been made against all our Treaties: If there be any Force, it is from the Army, for spoiling us by policy. The Kings of this Land could never encroach upon our good Laws, but by corrupt Judges and Ministers, who though they could not abrogate the Law, made it speak against it self, and the intended good of the People, or else by the power of Courtiers, stopping the course of Justice at the Councel Table ; and in other Arbitrary Courts : both which are taken away by the Kings Concessions.

1. *That the Nomination of Judges and Officers be in the Parliament.*

2. *That the King make no new Parliament Lords for the future to Vote there,*

Another

For this you must take the faith of the misty brained Penman, who had this (as well as many other gross Lies) by Revelation.

The Army had had the King in their power, and had the Parliament adjourned, the sole power of the Kingdom had been left in the Army; which is a thing aimed at by them:

Another Objection is, That they had intelligence, that had they been suffered to meet all in the House once more, it was designed to have passed some higher Resolutions, to lay farther foundations of a new quarrel, so as to carry therein the name and countenance of Parliamentary Authority together with the Kings, upon an acceptable pretence of Peace, to draw men in, and then to have adjourned the Parliament for a long time, excluding all remedy in this case but by another War. To this we say, the House immediately upon passing the Vote, 5. Decemb. sent a Committee to the General to confer with him and his Officers, and keep a good correspondency with them: To which, the General promised his readiness, howsoever it was hindered afterwards. And then they seized upon one of the Commissioners appointed to Treat, affronted another, and left no way free for a Conference, which shews they were resolved to do what they had designed.

The last Obj. is, That those Members that are yet detained in Custodie, are either such as have been formerly Impeached, and (in part) judged by the House for Treason, and other Crimes, and never acquitted, and against whom they can, and very shortly will produce new matter of no less crime; or else such who have appeared most active and united in Councils with them: against whom also they are preparing, and shall shortly give matter of particular Impeachment. To this we say, that when it appears what those crimes are, and what persons are charged with them, we doubt not but they will sufficiently acquit themselves, if things may be legally carried in a judicial way by competent Judges not preingaged. In the mean time we conclude, That Souldiers, whose advantages arise by War, are not fit to judge of the Peace of the Nation.

74. The 19. Jan. 1648. Mr. Pryn, and Mr. Walker, (two of the A Declaration secured Members) published in print their Declaration and by Mr. Walker, Protestation, against the actings and proceedings of the Army and Mr. Pryn and their Faction now remaining in the House of Commons; as followeth:

A Declaration and Protestation of Will: Pryn, and Clem: Walker, Esquires; Members of the House of Commons: Against the present Actions and Proceedings of the Generall, and Generall Councell of the Army, and their Election now remaining and sitting in the said House.

WHereas long since, for ease of the People, both Houses in a full and free Parliament Voted the Disbanding of this Army: in opposition to which, some great Officers of the said Army, (to continue their rich Commands) with some Members of the House of Commons, (who daily enrich themselves by the troubles of the times) secretly mutinied the Army against the Parliament: And whereas, lately the farre major part of the House of Commons, pittying the bleeding condition, and tears of the oppressed People, Voted, and entred into a Personall Treaty with the King: without which (by the Armies own confession in their Remonstrance at Saint Albons, p. 64.) there can be no peace; which the Army interrupted by obtruding upon the Commons a treasonable Remonstrance, 20. Novemb. 1648. tending to destroy the King, and His Posterity, and wholly to subvert all Parliaments, Religion, Laws, and Liberties for ever; whereby the Commons in Parliament found it absolutely necessary to prevent such pernicious innovations, by concluding a safe peace with His Majesty; whereupon (after mature debate) the House of Commons the 5. Decemb. 1648. Voted, *That the Kings Answer to the Propositions of both Houses upon the Treaty, were a ground for the Houses to proceed to the settlement of a safe and well-grounded Peace:* Upon which, the Generall, and Councell of Warre, Wednesday morning, 6. December, 1648. Seized and Imprisoned 41 of the Members going to the House of Commons to do their Duty, seclused above 160. other Members, besidss 40. or 50. Members who voluntarily withdrew themselves to avoid their violence, leaving onely their own engaged party of 40. or 50. Members sitting, who now pass Acts of Parliament of the House of Commons (as they call them) without the Lords; and comply with the said Councell of Warre, to carry on the said Remonstrance: To which purpose this present remnant of the

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Commons have unvoted in a thin House under the force of the Army, what was deliberately Voted in a full and free House; whereas by their own Ordinance passed upon the Tumult of Apprentices, 20. August, 1647. to null, and make void *ab initio*, all Acts, Orders, Votes, &c. passed under the said force: This remaining Party ought not to sit, act, nor take upon them the style of a House, under so visible, actual, and horrid a Force.

The premises considered, We whose names are hereunto subscribed, Members of the House of Commons, do declare and protest, That the said Generall, Commissioned Officers, and Generall Councell of the Army, by the said act of violence, upon the major part of the House, which legally and virtually is the whole House, have waged War, and Rebelled against the Parliament their Masters, who raised them to defend the Priviledges of Parliament, and the Kings Person and Authority, in defence of Religion, Laws, and Liberties, and have thereby forfeited their Commissions, and have broken and discontinued this Parliament; so that, untill this force be removed, punished, the Honour of the Parliament and their wronged Members vindicated, and all the Members resummoned, all the Votes, Orders, and Actions, passed, and to be passed by this nominall House of Commons, are, and will be void, *ab initio*, and all such as do, or shall obey them, are and will be punishable, both by the Armies own judgment in their Remonstrance, August 18. and by the Houses Declaration, and the said Ordinance, 20. August, 1647.

We do farther declare and protest against this present House of Commons illegall Acts, Order, or Ordinance, for erecting a High Court of Justice, and usurping a power without any Law or president, to Trye, Depose, and bring to capitall punishment the King, and to Disinherit His Posterity, or any of them, and against the said Generall Councell of Officers, aiding and abetting them therein, as highly impious against the Law of God, Nations, and the Protestant Profession, Traitors against the Stat. of Treason, 25. Edw. 3. and against all Laws and our Statutes, perjurious and perfidious, against the Oaths of Allegiance, Supremacy, Nationall Covenant, and Protestation; all the Parliaments Declarations and Remonstrances held forth to the world; their Treaties and promises made to the Scots when they delivered

vered the Kings Person into our hands ; against our promises made to the *Hollanders*, and other Nations, and against all the Professions, Declarations, Remonstrances, and Proposals made by this Army ; when they made their Addresses to the King at *New-market, Hampton-Court*, and other places.

January 19.

William Pryn.

1648.

Clem: Walker.

75.

About this time the Generall Councell of Officers at *White-Hall*, ordered, That two Petitions (or mandates rather) should be drawn, and presented to their House of Commons ; One against Payment of Tythes ; the other, for Repealing the Act for Banishment of the Jews : Hear you see they shake hands with the Jews, and crucifie Christ in his Ministers, as well as in his Anointed, the King.

The Comm: of Officers order
2. Petitions for the Commons
House against Tythes.
2. against the Stat. for Banishment of the Jews.

57.

About this time Col: *Tichburn*, and some schismaticall Common-Councell-men, presented a Petition to the Supreme Authority the Commons in Parliament, demanding justice against all grand and capitall Actors in the late Warres against the Parliament from the highest to the lowest: the Militia, Navy, and all Places of power to be in faithfull hands, (that is, in their own Faction, all others being displaced under the generall notion of disaffection) to settle the Votes, (That the Supreme Authority is in the Commons in Parliament assembled.) They complained, That the Lord Mayor, and some Aldermen, denied to put their Petition to the Question at the Common Councell, and departed the Court, with the Sergeant and Town-Clerke, That the Court afterwards passed it *Nemine contradicente*. The Commons thanked the Petitioners (for the tender of their assistance) and Ordered, That the Petition should be entered amongst the Acts of the Common Councell, and owned them for a Common Councell notwithstanding the departure of the Lord Mayor, &c. And about four or five daies after, the Commons Ordered, * That any six of the Commons Councell, (upon emergent occasions) might send for the Lord Mayor to call a Common Councell themselves, and any forty of them to have power to Act against the Ordinance, 17. Decemb. 1547. disabling such as had any hand in the City Engagement to bear Office.

Col: Tichburns
complaint against the Lord Mayor, and their Orders thereupon.
The like Petitions were invited from most Counties, where a dozen Schismaticks and two or three Cloaks represented a whole County.
* See a just Protest: of the free Citizens of London,

as a Common Councell without the Lord Mayor, any thing in their Charter to the contrary notwithstanding. Thus you see the Votes of this supreme thing (the House of Commons) are now become the onely Laws and Reason of all our actions.

77.
An Act passed
for adjourn-
ment of part
of Hilary
Term, and the
Lords concur-
rence rejected.

The 16 Jan. 1648. was passed an Act of the Commons for adjournment of Hilary Term for forty daies. This was in order to the Kings Triall, but the Commissioners of the Great Seal, declared, That they could not agree to seal Writts of Adjournment without the Lords concurrence, (the assent of one Lord being requisite) their same Lordships sent down to the Commons to offer their readines to joyn therein. But the Commons having formerly Voted, *The Supreme Power to be in themselves as the Peoples Representative*, and that the Commons in every Committee should be empowered to Act without the Lords. The Question was put, *Whether the House would concur with the Lords therein?* which passed in the Negative: so the Lords were not owned. Afterwards they ordered, that the Commoners (Commissioners for the Great Seal) should issue forth Writts without the Lords.

78.
The Agreement
of the People
presented to
the House of
Commons by
the Officers of
the Army.
Diurnall, from
Jan. 15. 10. 22.
1648. nu. 28 6.

20. January, Lieut. Generall Hammon, with many Officers of the Army, presented to the Commons from the Generall and Councell of the Army, a thing like a Petition, with *The Agreement of the People*, annexed, Mr. Speaker thanking them, desired them to return the hearty thanks of the House to the Generall and all his Army for their gallant services to the Nation; and desired the Petition and Agreement should be forthwith printed, to shew the good affection between the Parliament and Army. I cannot blame them to brag of this affection, being the best string to their bowe. About this time some wel-meaning man (that durst think truth in private) published his thoughts under the Title of *Six serious Queries, concerning the Kings Triall*, by the High Court of Justice..

79.
6. Queries con-
cerning the
Kings Triall
by the new
High Court of
Justice.

1. Whether a King of three distinct Kingdoms can be condemn-
ed and executed by one Kingdom alone, without the concurrent
consent, or against the judgement of the other two?

2. Whether if the King be indicted or arraigned of high Treason, he
ought not to be tried by his Peers? & whether those who are now
nominated to trie him, or any others in the Kingd: be his Peers?

3. Whether if the King be triable in any Court, for any Treason
against the Kingdom, He ought not to be tried onely in full
Parlia-

Parliament, in the most solemn and publike manner, before all the Members of both Houses, in as honourable a way, as *Strafford* was in the beginning of this Parliament? And whether He ought not to have liberty and time to make His full defence, and the benefit of his learned Counsel, in all matters of Law, that may arise in or about his Trial, or in demurring to the jurisdiction of this illegal new Court, as *Strafford* and *Canterbury* had?

4. Whether one eighth part only of the Members of the Commons House, meeting in the House, under the Armies force, when all the rest of the Members are forcibly restrained, secluded, or scared away by the Armies violence, and representing not above one eighth part of the Counties, Cities, & Boroughs of the Kingdom, without the consent and against the Vote of the majority of the Members, excluded and chased away, and of the House of Peers, by any pretext of Authority, Law, or Justice, can erect a New great Court of Justice to try the King, in whom all the rest of the Members, Peers and Kingdom (being far the Major part) have a greater interest then they? Whether such an High Court can be erected without an Act of Parl. or at least an Ordinance of both Houses, and a Commission under the Great Seal of *England*? And if not, whether this can be properly called a Court of Justice? and whether it be superiour or inferiour to those who erected it? who either cannot or dare not try and condemn the King in the Com. House; though they now stile it, *The Supreme Authority of the Kingdom*; and whether all who shall sit as Judges, or act as Officers in it, towards the Deposing or taking away the Kings life, be not really guilty of High Treason, and all those who were aiding or assenting to the erection thereof in such an irregular manner, by the Laws and Statutes of this Realm?

5. Whether those who are professed Enemies to the King, and by their Remonstrances, Speeches, and actions, profess they desire his blood and seek his life, can either in Law or Conscience be reputed competent Judges to try him for his life? It being a just exception to any Jury man, who is to try the basest or poorest Felon, and a legal challenge for which he must be withdrawn; that he is a professed Enemy and Prosecutor who seeks his life, and therefore no lawfull nor indifferent trier of him for it.

6. Whether the triall and taking away of the Kings life by

The Answer of
the Generall
Council of Of-
ficers touch-
ing the sec'u-
ded Members.
Jan. 3. 1648.

such an illegal and arbitrary High Court of Justice, as this, will not prove a most dangerous inlet, to the absoluteſt tyranny and bloodieſt butchery ever yet heard of, or practiſed in this, or any other Nation? and a ready way to teach us, how to chop off one anothers heads, till we are all deſtroyed? For if they may take away the Kings head in it without, and againſt all rules of Law: then by the ſame or ſtronger reaſon, they may in like manner chop off the heads of any Nobleman, Peer, Member, Gentleman, or inferiour Subject for any imaginary Treason or offence, and conſiſcate their Eſtates, there being no aſſurance they will ſtop at the Kings; And if thoſe who are confeſſed to be the Majority of the Com. Houſe, and therefore excluded, or the Prince of Wales next Heir to the Crown, or the Malignant party, or any other Faction whatſoever which may ariſe, ſhould at any time hereafter get the upper hand by the peoples general adhering to them, or any diviſions of the Army, or by any means Gods providence ſhould adminiſter (who hath thouſands of ways to pull down the proudeſt Tyrants, and diſſipate the ſtrongeſt Armies in a moment, as he did *Senacheribs*, the *Midianites*, the *Moabites*, and *Ammonites*, with ſundry others recorded in ſacred Writ, and prophane Stories, and the Scots Army but few months ſince) they may by like authority and preſident erect the like new Court, to cut off the heads of all the Members now ſitting, and of the preſent General Council of the Army, and all the Commiſſioners acting in this new Court; and ſo fall a murdering and butchering one another, till we were all deſtroyed one by another, and made a ſpectacle of moſt unnatural tyranny, and cruelty to the whole world, Angels, and Men, and a prey to our common Enemies. Upon which conſideration, let every man now ſeriously lay his hand upon his own breaſt, and ſadly conſider what the bloody tragical iſſue of this new *Phaleris* Bull, may prove to him or his; and whether every Free-born Engliſh-man (eſpecially of Nobleſt birth, and ampleſt Eſtate) be not deeply obliged in point of prudence and conſcience to uſe his utmoſt endeavour with hazard of life and eſtate, to prevent the erection of ſuch an exorbitant and illegal Authority, in the very riſe and foundation, ere it be over-late; and not patiently ſuffer a raſh inconfiderate number of Hotſpurs (of mean condition and

and broken desperate fortunes for the most part) out of private malice, fear, or designs to secure and enrich themselves by the ruines of others of better fortunes and quality; to set up such a new thambles to butcher and quarter the King, Nobles, Parliament-men, Gentlemen, and persons of all conditions, as was never heard of among Pagans or Christians, from the Creation to this present, and will no way suit with our English soil, already overmuch watred with English blood; and so deeply ingaged against all arbitrary and tyrannical usurpations and proceedings (especially capital) in any hands whatsoever, which have cost us so much blood and treasure to oppose and fight against for seven years last past.

Saturday, Jan. 20. 1648. The new thing called *The High Court of Justice* sat: Bradshaw being President, who had the Mace and Sword carried before him, and 20 Gentlemen (forsooth) with Trial of his Partizans for his Guard, under the command of Colonel Fox the Majesty. Tinker. An Oyes being made, and silence commanded: the said Act of the Commons for erecting the said Court was read, and the Court called, there being about 70 of the Commissioners present. Then the King was brought to the Bar by Col. Hacker with Halberdiers, the Mace of the Court conducting him to his chair within the Bar where he sat. And then Pres. Bradshaw said to the King, Charles Stuart King of England; The Commons of England assembled in Parliament being sensible of the great calamities brought upon this Nation, and of the innocent blood shed (which are referred to you as the Author of it) according to that duty which they owne to God, the Nation, and themselves, and according to that power and fundamental trust reposed in them by the People, have constituted this High Court of Justice, before which you are now brought, and you are to bear your Charge, upon which the Court will proceed.

Solicitor Cook. My Lord, in behalf of the Commons of England, and of all the People thereof, I do accuse Charles Stuart here present of High Treason and misdemeanours, and I doe in the name of the Commons of England desire the Charge may be read unto him.

The King. Hold a little.

President. Sir, the Court commands the Charge to be read; afterwards you may be heard. The Charge was read, as followeth:

The

80.

The first days

Trial of his

Majesty.

Prove this

power and

trust: The

whole King-

dom (in effect)

deny it. So do

all our Law-

Books, and the

practice of all

Agēs.

The Charge against King Charles the First,

January 20. 1648.

The Charge
read.

THat the said CHARLES STUART, being admitted King of England, and therein trusted with a *limited power* to govern by, and according to the Laws of the Land, and not otherwise: And by his Trust, Oath, and Office: being obliged to use the power committed to him, *For the good and benefit of the People*, and for the preservation of their Rights and Liberties; yet nevertheless, out of a *wicked design*, to erect and uphold in himself an unlimited and tyrannical power, to rule *according to his Will*, and to overthrow the Rights and Liberties of the People: Yea, to take away, and make void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental Constitutions of this Kingdom, were reserved on the peoples behalf, in the right and power of frequent and successive Parliaments, or National meetings in Council; He, the said Charles Stuart, for accomplishment of such his *Designs*, and for the protecting of himself and his Adherents, in his and their *wicked Practices* to the same Ends, hath traiterously and maliciously levied War against the present Parliament, and the People therein Represented.

Particularly, upon or about the thirtieth day of *June*, in the year of our Lord, one thousand six hundred forty and two, at *Beverley*, in the County of *York*; and upon, or about the thirtieth day of *July*, in the year aforesaid, in the County of the City of *York*: and upon, or about the twenty fourth day of *August*, in the same year, at the County of the Town of *Nottingham*, (when, and where he set up his Standard of War, and also on or about the twenty third day of *October* in the same year, at *Edgehill*, and *Keinton-field*, in the County of *Warwick*: and upon or about the thirtieth day of *November*, in the same year, at *Brinsford*, in the County of *Middlesex*: and upon, or about the thirtieth day of *August*, in the year of our Lord, one thousand six hundred fourty and three, at *Cavesbam-bridge*, near *Reading*, in the County of *Berks*: and upon, or about the thirtieth day of *October*, in the year last mentioned, at, or near the City of *Gloster*:

cester : And upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbury*, in the County of *Berks* : And upon, or about the one and thirtieth day of *July*, in the year of our Lord, one thousand six hundred forty and four, at *Cropredy-bridge*, in the County of *Oxon* : And upon, or about the thirtieth day of *September*, in the year last mentioned, at *Bodmin*, and other places neer adjacent, in the County of *Cornwall* : And upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbury* aforesaid : And upon, or about the eighth day of *June*, in the year of our Lord, one thousand six hundred forty and five, at the Towne of *Leicester* : And also, upon the fourteenth day of the same moneth, in the same year, at *Naseby-field*, in the County of *Northampton*. At which several times and places, or most of them, and at many other places in this Land, at several other times, within the years aforementioned : And in the year of our Lord, one thousand six hundred forty and six, He, the said *Charles Stuart*, hath caused and procured many thousands of the free-people of the Nation to be slaine, and by Divisions, Parties, and Insurrections, within this Land, by invasions from forraigne parts, endeavoured and procured by Him, and by many other evill waies and meanes. He the said *Charles Stuart*, hath not only maintained and carried on the said Warre, both by Land and Sea, during the years before mentioned, but also hath renewed, or caused to be renewed, the said Warre against the Parliament, and good people of this Nation, in this present yeare, one thousand six hundred forty and eight, in the Counties of *Kent*, *Essex*, *Surrey*, *Sussex*, *Middlesex*, and many other Counties and places in *England* and *Wales*, and also by Sea. And particularly, He the said *Charles Stuart*, hath for that purpose, given Commissions to his Sonne, the Prince, and others, whereby, besides multitudes of other Persons, many such, as were by the Parliament intrusted and employed, for the safety of the Nation ; being by Him or his Agents, corrupted, to the betraying of their Trust, and revolting from the Parliament, have had entertainment and commission, for the continuing and renewing of Warre, and Hostility, against the said Parliament and People, as aforesaid. By which cruell and unnaturall Warres by Him, the said *Charles Stuart*, levyed, continued. and renewed, as

aforesaid, much Innocent bloud of the Free-people of this Nation hath been spilt, many Families have been undone, the Publique Treasury wasted and exhausted, Trade obstructed, and miserably decayed, vast expence and damage to the Nation incurred, and many parts of the Land spoyled, some of them even to desolation.

And for further prosecution of His said evill Designes, He, the said *Charles Stuart*, doth still continue his Commissions to the said Prince, and other Rebels and Revolters, both English and Forraigners; and to the Earle of *Ormond*, and to the Irish Rebels and Revolters, associated with him; from whom further Invasions upon this Land are threatned, upon the procurement, and on the behalf of the said *Charles Stuart*.

All which wicked Designes, Warrs, and evill practises of Him, the said *Charles Stuart* have been, and are carried on, for the advancing and upholding of the Personall Interest of Will and Power, and pretended prerogative to Himself and his Family, against the publique Interest, Common Right, Liberty, Justice, and Peace of the people of this Nation, by, and for whom He was entrusted, as aforesaid.

By all which it appeareth, that He, the said *Charles Stuart* hath been, and is the Occasioner, Author, and Contriver of the said unnaturall, cruell, and bloody Warrs, and therein guilty of all the treasons, murders, rapines, burnings, spoiles, desolations, damage and mischief to this Nation, acted or committed in the said Warrs, or occasioned thereby.

And the said *John Cook*, by Protestation (saving on the behalfe of the people of *England*, the liberty of Exhibiting at any time hereafter, any other Charge against the said *Charles Stuart*, and also of replying to the Answers which the said *Charles Stuart* shall make to the premises, or any of them, or any other Charge that shall be so exhibited) doth for the said treasons and crimes, on the behalf of the said people of *England*, Impeach the said *Charles Stuart*, as a Tyrant, Traytor, Murderer, and a publique and implacable Enemy to the Common-wealth of *England*: And pray, that the said *Charles Stuart*, King of *England*, may be put to answer all and every the premises, That such Proceedings, Examinations, Tryals, Sentence, and Judgment may be thereupon had, or shall be agreeable to Justice.

The

The King smiled often during the reading of the Charge, especially at these words: *Tyrant, Trayter, Murderer, and publique Enemy of the Commonwealth.*

President. Sir, you have now heard your Charge, you finde that in the close of it, it is prayed to the Court in behalfe of the Commons of England, that you answer to your Charge, which the Court expects.

King. I would know by what power I am called hither? I was not long ago in the Isle of Wight, how I came there is a longer story, then I think fit at this time for me to speak: But there I entred into a Treaty with both Houses of Parliament, with as much faith as is possible to be had of any People in the World: I Treated there with a number of Honourable Lords and Gentlemen, and treated honestly and uprightly, I cannot say but that they did very nobly with Me: We were upon a Conclusion of the Treaty. Now I would know by what lawfull Authority (there are many unlawfull Authorities, Thieves and Robbers on the High-way) I was brought from thence, and carried from place to place? (and I know not what) and when I know by what lawfull Authority, I shall Answer. Remember I am your King, your lawfull King, and what sinns you bring upon your own heads, and the judgment of God upon this Land, think well upon it, think well upon it, I say, before you go on from one sinne to a greater; therefore let me know by what lawfull Authority I am seated here? and I shall not be unwilling to Answer. In the meane time I shall not betray My Trust: I have a trust committed to Me by God, by old and lawfull descent; I will not betray it to answer to a new unlawfull Authority.

Bradshaw Pres. If you had been pleased to have observed what was hinted to you by the Court at your first comming hither, you would have known by what Authority: which Authority requires you in the name of the People of England, of whom you are Elected KING, to answer them.

King. I deny that.

Bradsh. If you acknowledge not the Authority of the Court, they must proceed,

King. I do tell them so, England was never an Elective Kingdome, but an Hereditary Kingdome, for neer these thousand yeares: Therefore let Me know by what lawfull Authority I am called hither?

I do stand more for the Liberty of My People then any here that come to be My pretended Judges: and therefore let Me know by what lawfull Authority, and I will Answer, otherwise I will not Answer.

Bradsh. Sir, How really you have managed your Trust is known: your way of Answer is to interrogate the Court, which befits not you in this condition. you have been told of it twice or thrice.

King. Here is Lieut. Colonell Cobbet, aske him, if he did not bring Me from the Isle of Wight by force? I do not come here as submitting to the Court; I will stand as much for the Priviledg of the House of Commons, rightly understood, as any man here whatsoever; I see no House of Lords here that may constitute a Parliament, (and the King too) should have been. Is this the bringing the King to His Parliament? Is this the bringing an end to the Treaty on the publique Faith? Let Me see a Lawfull Authority warranted by the Word of God, the Scriptures, or by the constitutions of the Kingdome. I will not betray My Trust, nor the Liberties of the People; I am sworne to keep the Peace by that duty I owe to God, and My Country: and I will do it to the last breath in My body. As it is a sinne to withstand lawfull Authority, so it is to submit, to a Tyrannical, or any otherwise unlawfull Authority.

Brutish.

Bradsh. The Court expects your sinall Answer, and will adjourne till Munday next: we are satisfied with our Authority that are your Judges, and it is upon Gods Authority, and the Kingdomes; and that peace you speak of will be kept in doing Justice, and that's our present work. So the Court adjourned, and the King was conducted back; They had so contrived it, that diverse Schismaticall Souldiers, and Fellowes were placed round about the Court, to cry Justice, Justice, when the King was remanded, thinking all the rest of the people would have bleated to the same tune, but they (almost all) cryed God blesse Him, and were (some of them) well cudgelled by the Souldiers for not saying their prayers handsomely after the mode of the Army; one barbarous Souldier (it is confidently reported) spat in the Kings Face as he bawled for Justice: The King only saying, My Saviour suffered more for my sake, wiped it off with His Handkerchief, yet the Court took no notice of this Affront, so farre was His Majesty already fore-judged and condemned to Sufferings.

Whether
this were the
first day, or
afterwards,
I know not.

Munday

Munday, January 22. The KING was brought again to His Tryall.

Solicitor Cock. May it please your Lordship, I did at the last Court in behalf of the Commons of England, exhibite, and give in to this Court a charge of high Treason, and other High crimes against the Prisoner at the Bar: whereof I do accuse him in the name of the people of England, and the charge was read unto Him, and his Answer required: My Lord, He was not then pleased to give an Answer, but instead of answering did dispute the Authority of this High Court; My humble motion to this High Court in behalf of the Kingdome of England, is, That the Prisoner may be directed to make a positive Answer, either by way of confession, or Negation: which, if He shall refuse to do, That the matter of charge may be taken pro confesso, and the Court may proceed according to Justice.

81.
The second
daies Triall
of his Ma-
jesty.

Bradsh. Sir, you may remember at the last Court you were told the occasion of your being brought hither, and you heard a charge read against You, &c. You hear likewise what was prayed in behalf of the People, That you should give an Answer to that charge: You were then pleased to make some scruples concerning the Authority of this Court, and knew not by what Authority You were brought hither: You did diverse times propound your Questions, and were as often Answered, That it was by Authority of the Commons of England, Assembled in Parliament, that did think fit to call You to account for those High and capitall Misdemeanours, wherewith You were then charged. Since that the Court hath taken into consideration what You then said, they are fully satisfied with their own Authority, and they hold it fit You should stand satisfied therewith too: And they do require that you do give a positive and particular Answer to this Charge exhibited against You; they expect you should either confess or deny. If you do deny, it is offered in the behalf of the King- Without any dome to be made good against You, Their Authority they do avow to Law, Presi- the whole world, that the whole Kingdome are to rest satisfied there- dent, ratio- in, and You are to rest satisfied in it; and therefore You are to give a nall debate, or Argu- positive Answer. ments to

King, When I was here last, its true, I made that Question; and prove it: Oh truly, if it were only my owne particular case, I would have satisfied brutish Ty- My selfe with the Protestation I made here the last time, against the ranny.

Legality of this Court, and that a King cannot be tried by any Superiour Jurisdiction upon Earth: but it is not my case alone, it is the Freedom, and the Liberties of the People of England, and (do you pretend what you will) I stand more for their Liberties; for if Power without Law may make Lawes, may, alter the Fundamental Lawes of the Kingdome, I do not know what Subject he is in England that can be sure of his Life, or any thing that he calls his own. Therefore, when I came hither, I did expect particular Reasons to know by what Law, what Authority, you proceed against me here? and therefore I am a little to seek what to say to you in this Particular, because the Affirmative is to be proved, the Negative (often) is very hard to do. I shall tell you My Reasons as short as I can. All proceedings against any man whatsoever

False.

Bradsh. Sir, I must interrupt You; what You do is not agreeable to the proceedings of any Court of Justice: You are about to enter into Argument and Dispute concerning the Authority of this Court, before whom You appear as a Prisoner, and are charged as a High Delinquent; You may not Dispute the Authority of this Court, nor will any Court give way unto it, You are to submit to it, &c.

King. Under favour; I do plead for the Liberty of the people of England more then you do; and therefore, If I should impose a beleefe upon any man without Reasons given, it were unreasonable

Oh British
Asinine King-
dome, to be
Governed by
an up-start
Authority.
without use
of Reason.

Bradsh. Sir, I must interrupt You: You may not be permitted, You speak of Law and Reason, and there is both against you. Sir, The Vote of the Commons of England assembled in Parliament, is the reason of the Kingdome, and they are those that have given You that Law, according to which you should have Ruled and Raigned; Sir, It will be taken notice of, that you stand in contempt of the Court, and Your contempt will be recorded accordingly.

King. I do not know how a King can be a Delinquent, but by all Laws that ever I heard, all men may put in Demurrers against any proceedings as Illegall: and I do demand that, if you deny that, you deny Reason.

Over-rule a
Demurrer

Bradsh. Sir, Neither You, nor any Man are permitted to Dispute without Argument: If a man may not Demurre to the Jurisdiction of any Court, that Court may enlarge its bounds, and become a Corporation of Tyrants.

that

that Point, You are concluded; You may not demurr to the Jurisdiction of the Court, if You do, I must let you know, that they overrule Your demurrer, they sit here by the Authority of the Commons of England; and all Your Predecessours and You, are responsible to them.

King. I deny that, shew Me one President.

Bradsh. Sir, You ought not to interrupt while the Court is speaking to you: this point is not to be debated by you, if you offer it by way of Demurrer, to the Jurisdiction of the Court, they have considered of their Jurisdiction, they do affirme their own Jurisdiction.

King. I say Sir, by your favour, That the Commons of England were never a Court of Judicature: I would know how they came to be so?

Bradsh. Sir, you are not to be permitted to go on in that Speech, and these discourses.

Then the Clerke of the Court read, as followeth:

Charles Stuart, King of England, you have been accused in the behalfe of the people of England, of High Treason, and other high crimes, the Court hath determined that you ought to answer the same.

King. I will Answer the same so soone as I know by what Authority you do this.

Bradsh. If this be all that you will say, then Gentlemen, you that brought the Prisoner hither, take charge of Him back again.

King. I do require that I may give My Reasons why I did not Answer, and give Me time for that.

Bradsh. Sir, 'Tis not for Prisoners to require.

King. Prisoners! Sir, I am not an ordinary Prisoner.

Bradsh. The Court have affirmed their Jurisdiction, if You will not Answer, We shall give order to Record your default.

King. You never heard my Reasons yet.

Bradsh. Sir, Your Reasons are not to be heard against the highest Jurisdiction.

King. Shew Me that Jurisdiction where Reason is not to be heard? Reasons are not to be heard

Bradsh. Sir, we shew it you here, the Commons of England, and against a remaining faction of the Commons of England, the next time you are brought, You will know more of the pleasures of the Court, and it may be, their finall Determination.

King. I am.

King. *Shew Me where ever the House of Commons was a Court of Judicature of that kind.*

Bradsh. *Sergeant, take away the Prisoner.*

King. *Well Sir, Remember that the King is not suffered to give in His Reasons, for the liberty and freedom of all His Subjects.*

Bradsh. *Sir, You are not to have liberty to use this language, how great a Friend You have been to the Lawes and Liberties of the People, let all England and the world judge.*

King. *Sir, under favour, it was the Liberty, Freedom, and Lawes of the Subject that ever I took — defended My selfe with Armes, I never took up Armes against the People, but for the Lawes.*

Bradsh. *The command of the Court must be obeyed, no Answer will be given to the Charge.*

So the King was guarded forth to Sir Robert Cottons, and the Court adjourned to the Painted-Chamber, Tuesday twelve a Clock.

82.

The 3d. daies
Trial of His
Majesty.

Tuesday, January 23. The Court sate againe, seventy three Commissioners present.

The King brought into the Court, sits downe.

Solicit. Cook. *May it please your Lordship my Lord President, This is now the third time that by the great grace and favour of the Court, the Prisoner hath been brought to the Bar, before any Issue joyned in this Case. My Lord, I did at the first Court exhibite a Charge against Him, containing the highest Treason that ever was wrought on the Theater of England, That a King of England trusted to keep the Law, that had taken an Oath so to do, that had Tribute payed Him for that end, should be guilty of a wicked Designe to subvert and destroy our Lawes, and introduce an Arbitrary and Tyrannicall Government in defiance of the Parliament and their Authority; set up His Sandard for Warre, against his Parliament and People: and I did humbly pray in behalf of the People of England, That he may speedily be required to make an Answer to the Charge; but, my Lord, in stead of making any Answer, He did then dispute the Authority of this High Court; your Lordship was pleased to give Him a further day to put in His Answer, which day being yesterday: I did humbly move, That He might be required to give a direct and positive Answer, either by denying, or confessing of it; But, my Lord, He was then pleased*

sed to demur to the Jurisdiction of the Court, which the Court did then over-rule, and command Him to give a direct and positive Answer: My Lord, besides this great delay of Justice, I shall now humbly move your Lordship for speedy Judgement against Him: I might presse your Lordship upon the whole, That according to the knowne rules of the Lawes of the Land, that if a Prisoner shall stand contumacious in contempt, and shall not put in an issuable Plea, guilty or not guilty of the charge given against him, whereby he may come to a faire Triall, that by an implicite confession it may be taken; pro confesso; as it hath been done to those who have deserved more favour, than the Prisoner at the Bar hath done. But besides, my Lord, I shall humbly presse your Lordship upon the whole fact, That the House of Commons, the Supreme Authority and Jurisdiction of the Kingdome, they have declared, That it is notorious that the matter of the charge is true; as it is in truth my Lord, as cleare as crySTALL, and as the Sun that shines at noon-day; which if your Lordship and the Court be not satisfied in, I have notwithstanding on the Peoples behalf, severall Witnesses to produce; and therefore I do humbly pray, (and yet I do confesse, it is not so much I, as the Innocent blood that hath been shed: (the cry whereof is very great) for Justice and Judgement) and therefore I do humbly pray, that speedy Judgment be pronounced against the Prisoner at the Bar.

Bradshaw. Sir, You have heard what is moved by the Council on behalfe of the Kingdome against you; you were told over and over againe, That it was not for you, nor any other man to dispute the Jurisdiction of the Supreme and highest Authority of England, from which there is no appeal, and touching which there must be no dispute; yet you did persist in such carriage as you have no manner of obedience, nor did you acknowledge any authority in them; nor the high Court that constituted this high Court of Justice: Sir, I must let you know from the Court, that they are very sensible of these delays of Yours, and that they ought not (being thus Authorized by the Supreme Court of England) be thus trifled withall, and that they might in Justice, and according to the rules of Justice, take advantage of these delays, and proceed to pronounce Judgment against you, yet nevertheless they are pleased to give direction, and on their behalf, I do require you, That You make a positive Answer unto this charge that is against you, in plaine Termes (for

You see the
empanant of
the House of
Comm. had
fore-judged
the King be-
fore they
created this
new Court to
sentence him;
and claime a
Jurisdiction,
as well as a
S^upreme Au-
thority.

Justice, knows no respect of Persons) you are to give your positive and finall Answer in plaine English, whether you be guilty or not guilty of these Treasons laid to your charge.

King. *When I was here Yesterday, I did desire to speak for the Liberties of the people of England, I was interrupted; I desire to know yet, whether I may speak freely, or not?*

Bradsh. *Sir, You have had the resolution of the Court, upon the like question the last day, and you were told, that having such a charge of so high a nature against you, Your work was, that you ought to acknowledge the Jurisdiction of the Court, and to answer to your charge, when you have once Answered, you shall be heard at large, make the best defence You can: But Sir, I must let you know from the Court, (as their commands) That You are not to be permitted to Issue out into any other discourses till such time as You have given a positive answer concerning the matter charg'd upon you.*

King. *For the charge I value it not a Rush, it is the Liberty of the people of England that I stand for; for Me to acknowledge a new Court that I never heard of before, I that am your KING, that should be an example to all the people of England, to uphold Justice, to maintaine the old Lawes, Indeed, I do not know how to do it: you spoke well the first day that I came here, (on Saturday) of the Obligations that I had laid upon me by God, to the maintenance of the Liberties of my people, the same Obligation you spake of, I do acknowledge to God, that I owe to him, and to My people, to defend as much as in Me lies, the antient Laws of the Kingdome; therefore untill that I may know, that this is not against the fundamentall Lawes of the Kingdome, I can put in no particular Answer, if you will give Me time I will shew you My Reasons, and this — here being interrupted, the King said again, By your favour, you ought not to interrupt Me, How I came here I know not; there's no Law for it to make your King your Prisoner; I was in a Treaty upon the publique Faith of the Kingdom,*

Whether these breaches and interruptions were made by Bradshaw, or whether they are omissions and expunctions of some material parts of the

King's Speech which this licenced Pen man durst not let downe; I Know not: I hear much of the King's Argument is omitted, and much depraved, none but Licenced-men being suffered to take Notes.

Bradsh,

Bradsh. Sir, You must know the pleasure of the Court.

King. By your favour Sir —

Bradsh. Nay Sir, by your favour, You may not be permitted to fall into those Discourses: You appear as a Delinquent, You have not acknowledged the Authority of the Court, the Court craves it not of You, but once more they command You to give your positive Answer. Clerke do your Duty.

King. Duty Sir!

The Clerke reads.

Charles Stuart, King of England, You are accused in behalfe of the Commons of England of diverse high Crimes and Treasons; which Charge hath been Read unto You, The Court now requires You to give Your positive and finall Answer, by way of confession or deniall of the Charge.

King. Sir, I say againe to you, so that I may give satisfaction to the People of England, of the clearnesse of My proceedings, not by way of answer, not in this way, but to satisfie them that I have done nothing against that Trust that hath been committed to Me, I would do it; but to acknowledge a New Court against their Priviledges, to alter the fundamentall Lawes of the Kingdome, Sir, you must excuse me,

Bradsh. Sir, This is the third time that You have publicly disavowed this Court and put an affront upon it: how far You have preserved the priviledges of the people, Your actions have spoken, but truly Sir, mens intentions ought to be known by their actions, You have written Your meaning in bloody Characters throughout the whole Kingdome, but Sir, you understand the pleasure of the Court; Clerke Record the default; and Gentlemen, you that took charge of the Prisoner take Him back againe. So the King went forth with His Guards, and the Court adjourned to the Painted Chamber; the Cryer (as at other times) crying, Godbless the Kingdome of England.

Saturday, 27. Jan. 1648. The Court sate again in Westminster-hall, the President was in his Scarlet Robes, after him 67. Commissioners answered to their Names; The King came in, in His Majesty.

wonted posture with his Hat on, a Company of Souldiers and Schismatics placed about the Court to cry for Justice, Judgement, and Execution, The people not daring to cry God blesse Him, for fear of being againe beaten by the Souldiers.

Bradsh. Gentlemen, it is well knowne to all, or most of you here present, that the Prisoner at the Bar hath been severall times convened, and brought before this Court, to make Answer to a charge of High Treason, and other high crimes exhibited against Him, in the Name of the people of England; to which charge being required to Answer, He hath been so far from obeying the commands of the Court, by submitting to their Justice, as He began to take upon Him Reasoning and Debate unto the Authority of the Court, And to the Highest Court that appointed them to Trye and to Judge Him; but being over-ruled in that, and required to make His Answer, He still continued contumacious, and refused to submit to Answer. Hereupon the Court (that they may not be wanting to themselves, nor the Trust reposed in them, nor that any mans willfulness prevent Justice) they have considered of the charge, of the contumacy, and of that confession which in Law doth arise on that contumacy, they have likewise considered the notoriety of the Fact charged upon this Prisoner; and upon the whole matter, they are resolved, and have agreed upon a Sentence to be pronounced against this Prisoner, but in respect He doth desire to be heard before the Sentence be Read, and pronounced, the Court hath resolved to hear Him; yet Sir, thus much I must tell you beforehand, (which you have been minded of at other Courts) that if that which you have to say, be to offer any debate concerning the Jurisdiction, You are not to be heard in it: You have offered it formerly, and you have struck at the root, that is, the Power and Supreme Authority of the Commons of England, which this Court will not admit a Debate of: and which indeed is an irrationall thing in them to do, being a Court that act upon Authority derived from them. But Sir, if you have any thing to say in defence of your self concerning the matter charged, the Court hath given me in commands to hear You.

King. Since I see that you will not heare any thing of debate concerning that which I confesse I thought most materiall, for the peace of the Kingdome, and for the liberty of the Subject, I shall wave it; but only I must tell you, that this many a day all things have been taken

away

away from Me, but that, that I call dearer to Me than My life, which is My Conscience and Mine Honour: and if I had a respect of my life, more than the peace of the Kingdome, and the liberty of the Subject, certainly I should have made a particular defence for My life, for by that at leastwise, I might have delayed an ugly Sentence, which I believe will passe upon Me, therefore certainly Sir, as a man that hath some understanding, some knowledge of the world (if that my true zeale to my Country had not overborne the care that I have for My owne preservation) I should have gone another way to worke than that I have done: Now Sir, I conceive that a hasty Sentence once passed may sooner be repented of than recalled, and truly, the self-same desire that I have for the peace of the Kingdome and the liberty of the Subject, more than My owne particular ends, makes Me now at last desire, that I having something to say that concerns both, I desire, before Sentence be given, that I may be heard in the Painted-Chamber before the Lords and Commons, this delay cannot be prejudiciall to you, whatsoever I say, if that I say no reason those that heare Me must be Judges, I cannot be Judge of that that I have: if it be reason, and really for the welfare of the Kingdome, and the liberty of the Subject, I am sure its very well worth the hearing, therefore I do conjure you, as you love that which you pretend (I hope its reall) the Liberty of the Subject, and peace of the Kingdome, that you will grant Me this hearing before any Sentence passed, but if I cannot get this Liberty, I do protest that your faire shewes of Liberty and Peace are pure shewes, and that you will not heare your King.

The President said, *This was a declining the Jurisdiction of the Court, and delay*: Yet the Court withdrew for half an hower, advised upon it, and sat againe.

Bradshaw said to the King, *That the Court had considered what He had moved, and of their owne Authority, the returne from the Court is this*, That they have been too much delayed by You already, and they are Judges appointed by the highest Authority, and Judges are no more to delay, than they are to deny Justice, and notwithstanding what You have offered, they are resolved to proceed to Sentence, and to Judgement, that is their unanimous resolution.

The King pressed again and again, that He might be heard by
 O3 the

the Lords and Commons in the *Painted Chamber*, with great earnestnesse, and was as often denied by *Bradshaw*: at last, the King desired that this Motion of His might be entered.

Bradshaw began in a long Speech to declare the Grounds of the Sentence, much aggravating the Kings offences, and misapplying both Law and History to his present purpose: When *Bradshaw* had done speaking, the Clerke read the Sentence drawn up in Parchment to this effect:

84.
The Sentence
against His
Majesty.

* Here the
Clerk read
the aforesaid
Charge.

That whereas the Commons of England in Parliament had appointed them an high Court of Justice for the Trial of Charls Stuart King of England, before whom He had been three times convented, and at the first time a charge of High Treason and other high crimes and misdemeanors was read in behalfe of the Kingdome of England, &c. * Which charge being read unto Him as aforesaid, He the said Charls Stuart was required to give His Answer, but He refused so to do: and so expressed the severall passages at His Tryall in refusing to Answer. For all which Treasons and crimes this Court doth adjudge, That He the said Charls Stuart as a Tyrant, Traytour, Murtherer, and a publique Enemy shall be put to Death, by severing of His Head from His Body.

After the Sentence read, the President said, *This Sentence now read and published, it is the Act, Sentence, Judgment, and resolution of the whole Court*; Here the whole Court stood up, as assenting to what the President said.

King. *Will you heare Me a word Sir?*

Bradshaw. *Sir, You are not to be heard after the Sentence.*

King. *No Sir!*

Bradshaw, *No. Sir, by your favour Sir! Guard, withdraw your Prisoner.*

King. *I am not suffered to speak: expect what Justice other people will have.*

These

These are the Names of such Persons as did actually sit as Judges upon the Tryall of His Majesty, with the Council and Attendance of the Court.

Oliver Cromwel, L. Gen.	Cornelius Holland, Esq.	William Say, Esq.
Com. Gen: Ireton.	Miles Corbet, Esq.	Col. Matth. Thomlinson.
Major Gen. Skippon.	Francis Allen, Esq.	John Blackston.
Sir Hardesse Waller.	Peregrin Pelham, Esq.	Gilb. Millington.
Col. Thomas Harrison.	John Gourdon, Esq.	Abraham Barrell.
Col. Edward Whalley.	Serj. Francis Thorp.	Col. Jo. Downes.
Col. Thomas Pride.	Tho. Challoner, Esq.	Norton.
Col. Isaac Ewer.	Col. John Moore.	L. Gen. Tho. Hammond.
Col. Rich. Ingelsby.	John Aldred, Esq.	Nich. Love.
Sir Henry Mildmay.	Col. Francis Lassels.	Vincent Porter.
Thomas, Lord Grey.	Henry Smith, Esq.	Augustine Garland.
Philip, Lord Lisle.	James Chaloner, Esq.	Sir Miles Lyvesey.
Will. Lord Munson,	Dennis Bond, Esq.	Jo. Dixwell.
Sir John Danvers.	Humph. Edwards, Esq.	Simon Mayne.
Sir Tho. Maleverer.	Gregory Clement, Esq.	Daniel Blagrave.
Sir John Bowcher.	John Fray, Esq.	Col. Robert Lylburne.
Sir James Harrington.	Tho. Wogan, Esq.	Col. Rich. Deane.
Sir William Brereton.	Sir Greg. Norton.	Col. Hufon.
Will. Henningham, Esq.	Serj. John Bradshaw.	L. Col W. Goffe.
Isaac Pennington, Ald.	Col. Edm. Harvey.	Master Carewe.
Thomas Atkins, Ald.	John Dove, Esq.	Jo. Janes.
Col. Rowland Wilson.	Col. John Venn.	Mr. Bradshaw, nomi-
Sir Peter Weentworth.	John Foulks, Alder.	nated President.
Col. Henry Martyn.	Thomas Scot.	
Col. William Purefoy.	Tho. Andrews, Alder.	Counsellours assistant to
Col. Godfrey Bevil.	William Cawley, Esq.	this Court, and to draw up
Col. John Berkstead.	Col. Anthony Stapley.	the Charge against the
Sir Will. Custable.	John Lisle, Esq.	KING are,
Col. Edward Ludlow.	John Corbet, Esq.	Doctor Dorislaus.
Col. Jo. Hutchingson.	Thomas Blunt, Esq.	Master Aske.
Col. Robert Tischburne.	Thomas Boone, Esq.	Master Cooke.
Col. Owen Roe.	Col. George Fleetwood.	Serjeant Dandy, Serje-
Cbl. Adrian Scroop.	Col. James Temple.	ant at Armes.
Col. John Oky.	Sir Peter Temple.	Mr. Philips Clerke to
Col. John Harrison.	Col. Thomas Wayte.	the Court.
Col. John Desborough.	John Browne, Esq.	Messengers, and Dore-

keepers, are, Master Walford.
Mr. Radley Mr. Paine, M. Powell,
Mrs. Hull, and Mr. King Crier.

This

85.
Observations
upon the Try-
all of His Ma-
jesty.

This is a Relation of his Majesties Tryall by a mixed Court of Justice erected by 50. or 60. confederate Members of the House of Commons, sitting under the power of the Army, after all the rest of the Members above 250. had been violently secured, secluded, and frighted away. And in order to this designe against the King, the House of Peers voted downe, and yet the House of Commons (when intire) is no Court of Judicature, nor can give an Oath. Had indifferent men been permitted to take Notes, you had had a more perfect narrative; yet as it is, truth shines forth to the confusion of this bloody, cheating, Tyrannicall faction: could they have wrought the King to have submitted to the Jurisdiction of this Arbitrary Court, His example should have been urged as an irrefragable Precedent against the lives and liberties of the whole Kingdome, and urged to be of as great Authority, as if He had established that Court by Act of Parliament: So that the King is to be looked on as a civill Martyr, dying for the Liberty of the people. And although they have failed of this device, yet they will have some other Arbitrary bloody Inquisition to cut off the lives (without Law) of such as they desire to remove, without which this Tyrannous Kingdome of the Saints, or Brambles, cannot subsist; And therefore on Thursday, 2. February, *Cromwell* and *Ireton*, and their canniball Counsell of Officers, projected to get an Act passed by their House of Commons (where all their requests, are commands) to enable the said Counsel to hang all such as they shall adjudge Disturbers of the Army, although no Members of the Army: they must have publique Slaughter-houses *in terrorem*, as well as private *ad pœnam*, the nature of their cause, and their naturall conditions requiring it. *Oliver* is a Bird of prey, you may know by his Bloody Beake; so was his *Prodomus* that Type and figure of him, *John of Leyden*; than whom, this Fellow will shortly prove farre more bloody: you see this schismaticall remnant of one House, have the impudence to usurp the Supreme Authority to themselves: And then to tell you, that the Votes of this petty conventicle (calling themselves the Commons) are the Law, nay the Reason of the Land, thereby divesting us of those Lawes which shall distinguish us from Slaves, and denying us the use of our reason, whereby we are differenced from Beasts, and expecting

2. Part of Eng-
lands liberty in
Chains, *sub fine*
And the Hun-
ting of the
Foxes, &c.

expecting an implicate faith and blind obedience from us, to all the Votes of this half-quarter of an House of Commons, so farre that they Vote obedience to the known Lawes (in many cases) to be Treason, and what all our Lawes call Treason, they Vote no Treason: nay, should they vote a Turd to be a Rose, or *Olive* Nose a Ruby, they would expect we should sweare it, and fight for it. This legislative Den of Thieves erect new Courts of Justice, neither founded upon Law nor Prescription, Theaters of illegal tyranny and oppression, to take away mens lives Arbitrarily, for Actions which no Law makes criminous, nay, for such acts as the Lawes command, where their proceedings are contrary to *Magna Charta*, and all our known Lawes and usages, not *per probos & legales homines*, no Juries, no sworn Judges, authentically chosen, no Witnesses face to face, no formal Indictment in which a man may find error, and plead to the jurisdiction of the Court; or where the Court ought to be of Counsel with the Prisoner: but the same engaged and vowed Enemies, are both Parties, Prosecutors, Witnesses, Judges, (or Authorizers and Nominators of the Judges) Actors of all parts upon that stage of blood.

The King pressed earnestly (especially upon Monday, 22. Jan.) to have his Reasons against the Jurisdiction of the Court heard, but was as often denied, He intended then to give them in writing, which was likewise rejected, so they were sent to the Presse. A true Copie whereof follows:

His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, which he intended to deliver in Writing on Monday, Jan. 22. 1648.

Faithfully transcribed out of the Original Copy under the Kings own hand.

86.

His Majesties
Reasons a-

HAVING already made my Protections not only against the Illegality of this pretended Court, but also that no earthly power can justly call Me (who am your King) in question as a Delinquent, I would not any more open My mouth upon this occasion, more then to refer my self to what I have spoken, were I alone in this case concerned. But the duty I owe to God in the

gainst the Jurisdiction of the high Court of Justice; published after His condemnation.

preservation of the true Liberty of my people, will not suffer Me at this time to be silent: For, how can any free-borne Subject of *England* call life or any thing he possesseth his owne, if power without right dayly make new, and abrogate the old fundamental Law of the Land. which I now take to be the present case. Wherefore when I came hither, I expected that you would have endeavoured to have satisfied Me concerning these grounds, which hinder Me to answer to your pretended Impeachment; but since I see that nothing I can say will move you to it (though Negatives are not so naturally proved as Affirmatives) yet I will shew you the Reason why I am confident you cannot judge Me, nor indeed the meanest man in *England*; for I will not (like you) without shewing a Reason, seek to impose a beliefe upon My Subjects.

93.

* Hereabout
I was stoppr.
and not suffer-
ed to speak
any more con-
cerning Rea-
sons.

* There is no proceeding just against any man, but what is warranted either by Gods Lawes, or the municipall Lawes of the Country where he lives. Now I am most confident, that this daies proceeding cannot be warranted by Gods Law, for on the contrary the authority of obedience unto Kings is clearly warranted and strictly commanded both in the Old and New Testament; which if denied, I am ready instantly to prove: and for the question now in hand, there it is said, That *where the word of a King is, there is Power; and who may say unto him, what doest thou? Eccles. 8. 4.* Then for the Lawes of the Land, I am no lesse confident, that no learned Lawyer will affirme that an Impeachment can lye against the KING, they all going in His Name; and one of their Maxims is, *That the King can do no wrong.* Besides, the Law upon which you ground your proceedings, must either be old or new; if old, shew it; if new, tell what authority warranted by the fundamental Lawes of the Land hath made it, and when. But how the House of Commons can erect a Court of Judicature, which was never one it self (as is well known to all Lawyers) I leave to God and the World to judge; And it were full as strange that they should pretend to make Lawes without King or Lords House, to any that have heard speak of the Lawes of *England*.

And admitting, but not granting, that the People of *Englands* Commission could grant your pretended power, I see nothing you

you can shew for that; for certainly you never asked the question of the tenth man of the Kingdome, and in this way you manifestly wrong even the poorest Plough-man, if you demand not his free consent, nor can you pretend any colour for this your pretended Commission without the consent at least of the major part of every man in *England*, of whatsoever quality or condition, which I am sure, you never went about to seek, so farre are you from having it. Thus you see that I speak not for My owne right alone, as I am your King, but also for the true Liberty of all My Subjects, which consists not in sharing the power of Government, but in living under such Lawes, such a Government as may give themselves the best assurance of their lives and propriety of their goods. Nor in this must or do I forget the privileges of both Houses of Parliament, which this daies proceedings doth not only violate, but likewise occasion the greatest breach of their publike Faith (I believe) ever was heard of, with which I am farre from charging the two Houses: for all the pretended crimes laid against Me, beare date long before this late Treaty at *Newport*, in which I having concluded as much as in Me lay, and hopefully expecting the two Houses agreement thereunto. I was suddenly surpris'd, and hurried from thence as a Prisoner, upon which accompt I am against my will brought hither, where since I am come, I cannot but to My power defend the ancient Laws and Liberties of this Kingdome, together with My owne just Right, then for any thing I can see the higher House is totally excluded.

And for the House of Commons, it is too well knowne that the major part of them are detained or deterr'd from sitting, so as if I had no other, this were sufficient for Me to protest against the lawfullnesse of your pretended Court.

Besides all this, the peace of the Kingdome is not the least in My thoughts, and what hopes of Settlement is there so long as power reigns without rule of Law, changing the whole frame of that Government under which this Kingdome hath flourished for many hundred years, (nor will I say what will fall out in case this lawlesse unjust proceeding against Me do go on) and believe it the Commons of *England* will not thank you for this change, for they will remember how happy they have been of late yeares

under the Reign of *Queen Elizabeth*, the King my Father, and My self, until the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any new. And by this time it will be too sensibly evident, that the Armes I took up were onely to defend the fundamental Lawes of this Kingdom, against those who have supposed My power hath totally changed the ancient Government.

Thus having shewed you briefly the Reasons, why I cannot submit to your pretended Authority without violating the trust which I have from God, for the welfare and liberty of My People; I expect from you either clear Reasons to convince My judgment, shewing Me that I am in an error (and then truly I will readily answer) or that you will withdraw your proceedings.

This I intended to speak in *Westminster-hall* on Munday, 22. *January*, but against reason was hindered to shew My Reasons.

87.
Alteration of
the formes
and styles of
Writs and
Legall pro-
ceedings.

The 27. *Jan.* The Commons read the Act for Altering the formes of Writs, and other proceedings in Courts of Justice, which (according to all our known Laws, the custome of all Ages, and the fundamental Government of this Kingdome) ever ran in the Kings Name. This Act upon the Question was assented to, and no concurrence of the Lords desired, of this more hereafter.

88.
A Proclam. to
be brought in,
prohibiting
the Pr. of
Wales, or any
of the Kings
Issue to be
proclaimed
King of *Eng-
land*.

The Junto of 50. or 60. Commons appointed a Committee to pen a Proclamation, That if any man should go about to Proclaim Prince *Charles*, or any of that line King of *England* (after the removal of King *Charles* the Father out of this life,) as is usually, and ought to be done by all Mayors, Bayliffs of Corporations, High-Sheriffs, &c. under high penalties of the Law for their neglect) or shall proclaim any other without the consent of the present Parliament: the Commons declare it to be High Treason; and that no man under paine of Imprisonment or such other (arbitrary) punishment, as shall be thought fit to be inflicted on them, shall speak or preach any thing contrary to the present proceedings of the Supreme Authority of this Nation, the Commons of *England* assembled in Parliament. Your hands and feet

feet, liberties and consciences were long since tied up, now you are tongue-tied.

Upon motion, the House ordered, That Doctor *Juxon* Bishop of *London*, should be permitted to be private with the King in His Chamber, to preach and Administer the Sacraments, and o-
 ther spirituall comforts to Him: But notwithstanding, their Ma-
 sters of the Council of Warre, appointed that weather-cock
John Goodwin of *Coleman-street* (the *Balaam* of the Army that
 curseth and blesseth for Hire) to be Superintendent both over
 King and Bishop, so that they could hardly speak a word to-
 gether without being over-heard by the long-schismaticall-eares
 of black-mouthed *John*: Besides, I hear that for some nights a
 Guard of Souldiers was kept within His Chamber, who with
 talking, clinking of Pots, opening and shutting of the door, and
 taking Tobacco there (a thing very offensive to the Kings nature)
 should keep Him watching, that so by distempering and amazing
 Him, with want of sleep, they might the easier bring Him to
 their bent.

28. *January*, being the last Sabbath the King kept in this life,
 some of the Grandees of the Army and Parliament tendered to
 the King a Paper-book, with promise of Life and some shadow
 of Regality (as I hear) if He subscribed it: It contained many
 particulars destructive to the fundamental Government, Reli-
 gion, Lawes, Liberties, and Property of the People: One where-
 of was instanced to Me, viz. That the King should (amongst
 many other demands,) passe an Act of Parliament for keeping on
 foot the *Militia* of this Army, during the pleasure of the Gran-
 dees, who should be trusted with that *Militia*, and with power
 from time to time to recruit and continue them to the number
 of 40000. Horse and Foot, under the same General and Offi-
 cers, with power notwithstanding in the Council of Warre to
 chuse new Officers and Generals from time to time, as occasion
 shall happen, and they think fit, and to settle a very great Tax
 upon the people by a Land-Rate, for an established Pay for the
 Army; to be collected and levied by the Army themselves, and
 a Court-Martial of an exorbitant extent and latitude. His Ma-
 jesty (as I hear) read some few of the propositions, and throw-
 ing them aside, told them, He would rather become a Sacrifice for

89.
 The Bishop of
London appoin-
 ted by the Ho.
 to administer
 the spirituall com-
 forts to the
 condemned
 King; and the
 Kings usage
 by the Army.
 See Mr. Jo.
Geree's Book
 against Good-
 win, called,
 (Might over-
 coming right.)
 And Mr. *Fryns*
 Epistle to his
 Speech, 6.
 Dec. 1648.

90.
 A Paper-book
 of Demands
 tendered to be
 subscribed by
 the King the
 Sunday before
 He died.
 See sect. 94.

His People, then betray their Lawes and Liberties, Lives and Estates, together with the Church and Commonwealth, and the Honour of his Crown, to so intolerable a bondage of an Armed faction.

91.
The Stile and Title of *Custodes libertatis Anglia*, voted to be used in legal proceedings, in stead of the style of the King. These Goales of the Liberties of England are Indivdum vagum, not yet named. See a Continuation of this madness in an Act for better settling proceedings in Courts of Justice, according to the present Government. Dated 17. Feb. 1648.

92.
Another device to mortifie the King.

93.

Monday 29. Jan. 1648. The Legislative half-quarter of the House of Commons, voted as followeth, (hearken with admiration Gentlemen) be it enacted by this present Parliament, and by Authority of the same, that in all Courts of Law, Justice, and Equity, and in all Writs, Grants, Patents, Commissions, Indictments, Informations, Suits, Returns of Writs, and in all Fines, Recoveries, Exemplifications, Recognizances, Proceſſes, and Proceedings of Law, Justice, or Equity within the Kingdoms of England or Ireland, Dominion of Wales, &c. in stead of the Name, Stile, Teste, or Title of the KING heretofore used, that from henceforth the Name, Stile, Teste or Title *Custodes libertatis Anglia, autoritate Parliamenti*, shall be used, and no other: and the Date of the year of the Lord, and none other, and that all Duties, Profits, Penalties, Fines, Amerciaments, Issues, and Forfeitures whatsoever, which heretofore were sued for in the name of the KING, shall from henceforth be sued for in the name of *Custodes libertatis Anglia, autoritate Parliamenti*: and where the words were (*Juratores pro Domino Rege*) they shall be (*Juratores pro Republica*) and where the words are (*contra pacem, dignitatem & coronam nostram*) the words from henceforth shall be (*contra pacem Publicam*.) All Judges, Justices, Ministers and Officers are to take notice thereof, &c. and whatsoever henceforth shall be done contrary to this Act, shall be, and is hereby declared to be null and void; the death of the King, or any Law, usage or custom to the contrary notwithstanding, &c.

The King lay in *White-hall* Saturday (the day of his Sentence) and Sunday night so near the place appointed for the separation of his Soul and Body, that He might heare every stroak the Workmen gave upon the Scaffold (where they wrought all night) this is a new device to mortifie him, but it would not do.

Tuesday, 30. Jan. 1648. was the day appointed for the Kings Death; He came on Foot from Saint James's to *White-hall* that morning: His Majesty coming upon the Scaffold, made a Speech to

to the People; which could only be heard by some few Souldiers and Schismatics of the Faction who were suffered to possess the Scaffold, and all parts near it; and from their Pennes only we have our Informations.

*His Majesties Speech upon the Scaffold, and his Death,
or Apotheosis.*

The KING told them,

That all the world knew He never began the Warre with the two Houses of Parliament; and He called God to witnesse (to whom He must shortly give an account) He never intended to encroach upon their priviledges; They began upon Me, it was the Militia they began with, they confessed the Militia was Mine, but they thought fit to have it from Me: and to be short, if any body will look to the Dates of the Commissions, Theirs, and Mine, and likewise to the Declarations, will see clearly that they began these unhappy Troubles.

And a little after He said, I pray God they may take the right way to the peace of the Kingdom; But I must first shew you how you are out of the way, and then put you into the right way: First, you are out of the way, (for all the way you ever had yet (by any thing I could ever finde) was the way of Conquest, which is a very ill way, for Conquest is never just, except there be a good just Cause, either for matter of wrong, or just Title, and then if you go beyond the first Quarrel that you have, that makes it unjust in the end, that was just in the Beginning: But if it be only matter of Conquest, then it is a great Robbery, as the Pyrate said to Alexander, and so (I think) the way that you are in hath much of that way; Now (Sirs) to put you in the way, believe it you will never do right, nor God will never prosper you, untill you give him his due, the King (that is, My Successor)

Souldiers Rebellling against their Master or Sovereign, though they prevail, cannot claim by Conquest, because their quarrel was perfidious, base, and sinful from the beginning.

Succesſor) his due, and the People (for whom I am as much as any of you) their due.

1. You muſt give God his due, by regulating rightly his Church, (according to his Scripture) which is now out of order, to ſet you in a way particularly now I cannot, but only a National Synod freely called, freely debating amongſt themſelves, muſt ſettle this: when that every opinion is freely and clearly heard.

2. For the King, the Lawes of the Land will freely inſtruct you, and becauſe it concernes My ſelf I will only give you a touch of it.

3. For the people (and truly I deſire their Liberty and Freedom as much as any man whatſoever) I muſt tell you, their Liberty and Freedom conſiſts in having ſuch a Government, whereby their Lives and Goods may be moſt their own, it lies not in having a Share in the Government, that is nothing pertinent to them; a Subject and a Sovereign are clean different things: and therefore until you reſtore the People to ſuch a Liberty, they will never enjoy themſelves; Sirs, it was for this I now come hither, if I would have given way to an Arbitrary ſway, to have all Lawes changed according to the power of the Sword, I needed not to have come here; and therefore I tell you, (and I pray God it be not laid to your charge) that I am the Martyr of the People, &c.

See Sect. 90.

The Houſe had the Impudence to answer the Dutch Ambaſſadours, that what they had done to the King, was according to the Law of the Land. They mean, that their Luſts are the Lawes of the Land: for other Law they can ſhew none.

Thus

Thus this noble Prince (a Gentleman sanctified by many afflictions) after He had escaped Pistoll, Poyson, and Pestilent ayre, could not escape the more venomous tongues of Lawyers and Pettytoggers, *Braushaw, Cooke, Steele, Aske and Dorislaus*; thus the Shepberd is smitten, and the Sheep scattered.

THe said High Court of Justice, with the downfall of King CHARLES the I. thereby, and in Him of the Regall Government, Religion, Lawes, and Liberties of this ancient Kingdom is Emblematically presented to the Readers view: See the Figure, before the Title page.

Presently after this dissolution of the King, the Commons sent abroad Proclamations into London, and all England over, reciting, ^{94.} *That whereas severall pretences might be made to this Crown, and Title to the Kingly Office set on foot, to the apparent hazard of the publique peace. Be it enacted and ordained by this present Parliament, King.* and by the Authority of the same, that no Person whatsoever do presume to proclaime, declare, publish, or any waies to promote Charles Stuart (Sonne of the said Charles) commonly called Prince of Wales, or any other Person to be King, or Chief Magistrate of England, or Ireland, or of any Dominions belonging to them; by colour of Inheritance, Succession, Election, or any other claime whatsoever, without the free consent of the people in Parliament first had and signified by a particular Act or Ordinance, for that purpose, any Law, Statute or custome to the

Q

Who shall
judg: when
these Fellows
will be thought
free, and when
not?

95.

A Proclama-
tion privately
printed and
scattered, pro-
claiming
CHARLES
the second.

the contrary notwithstanding; and whosoever shall contrary to this Act, Preclaim, &c. Shall be deemed and adjudged a Traytor, and suffer accordingly.

Notwithstanding which inhibition, the 2. February 1648. was printed and scattered about London-streets this following Proclamation:

* A Proclamation proclaiming CHARLES Prince of Wales, King of Great Britaine, France and Ireland.

WE the Noblemen, Judges, Knights, Lawyers, Gentlemen, Freeholders, Merchants, Citizens, Yeomen, Seamen, and other freemen of England, do, according to our Allegiance and Covenant, by these presents heartily, joyfully and unanimously acknowledge and proclaim the illustrious CHARLES Prince of Wales, next heir of the blood Royall to his Father King CHARLES (whose late wicked and traitorous murder we do from our souls abominate, and all parties & consenters thereunto) to be by hereditary Birthright, and lawfull succession, rightfull and undoubted King of Great Britaine, France and Ireland, and the Dominions thereunto belonging. And that we will faithfully, constantly and sincerely in our severall places and callings defend and maintaine his Royal Person, Crown, and Dignity with our Estates, Lives, and last drop of our Bloods, against all Opposers thereof; whom we do hereby declare to be Traytors and Enemies to his Majesty and his Kingdoms. In testimony whereof, we have caused these to be published and proclaimed throughout all Counties and Corporations of this Realm, the first day of February, in the first year of His Majesties Reign.

God save King CHARLES the Second,

The

The sag end of the House of Commons, *Febr. 1. 1648.* passed ^{96.} a thing they call an Act, That such Members as had assented to the Vote, *5. Decemb. 1648.* That the Kings Concessions were a ground for the House to proceed to a settlement, should not be re-admitted to sit as Members; such as were then in the House and voted in the negative should first enter their dissent to the said Vote, such as were absent should declare their disapprovall before they sit. You see the cheating Godly are resolved to keep all to themselves.

This day their tame Lordships sent a Message to the House of Commons, but they were too surly to call the Messengers in: the substance of the Message was, That their Lordships had appointed ^{97.} 7. of their House to joyn with a proportionable number of Commons, to consider of a way how to settle this Nation. The Lords send a Message to the Commons but the messenger not called in.

Munday, 5. Febr. 1648. The Commons debated whether they should continue the House of Lords as a Court Judicatory, or Consultory onely? And the day following they put this Question, Whether this House shall take the advice of the House of Lords, in the exercise of the Legislative power of the Kingdom, in pursuance of the Votes of this House, *4 Janu: last.* This was carried in the Negative by many Voices: in farther pursuance of which Vote, they farther voted, That the House of Peers in Parliament is useles and dangerous, and ought to be abolished; and that an Act be brought in for that purpose, and voted down their Priviledge of being exempt from Arrests; yet they graciously condescended they shall be capable of being elected knights of Shires, and Burgeses, if any will be so mad as to chuse them: yet my Lord of *Pembroke* is as much overjoyed with gay Priviledge, as if they had bestowed a new Cap with a Bell and a Bable upon him: who will not now conclude that the Votes of this Legislative, this supreme piece of the House of Commons, is the onely Law and reason of the Land, which leads all our Laws and reason captive, and is almighty against all but the Councell of the Army.

The *8. Febr.* came forth A Declaration and Protestation of the Peeres, Lords and Barons of this Realm, against the late ^{99.} A Protestation of the Peers. treasonable proceedings and tyrannicall usurpations of some Members

Members of the Commons House, who endeavour to subvert the fundamentall Laws, and Regall Government of this Kingdom, and enslave the People to their boundles Tyranny in stead of Freedom. The Protestation followeth,

VVE the Peers, Lords and Barons of this Realm of England, for the present necessary vindication of the undoubted Rights and Priviledges of Parliament, and more particularly of the House of Peers, the just Prerogatives and Personall safety of our Kings, the known Laws and Liberties of this Kingdom, the Hereditary Freedom of all the Freemen of this Nation, and our own affronted and contemned Honours and Authority, against the many late unparallel'd dangerous Invasions, and treasonable Usurpations of a few insolent mis-advised Members of the (late) House of Commons, whiles the greatest and ablest part of that House were forcibly detained or deterr'd from thence, where-with we find our selves and the whole Kingdom unsufferably injured, and deeply afflicted. Do, after a long patient expectation of their own ingenious Retractions of such unjustifiable Exorbitancies, which their own judgements and consciences cannot but condemn, whereof we now utterly despair; being thereto engaged in point of Honour, Loyalty, Conscience, Oath, and love to our Native Country, as also by our Solemn League and Covenant, publicly declare and protest to all the world, That by the Laws and Customes of this Realm, and usage of Parliament time out of mind, ever since there were Parliaments in this Island, the principall Authority and Iudicatory of the Parliaments of England hath alwaies constantly resided, and ought still to continue onely in the King and House of Peers, (wherein He alwaies sits) and not in the Commons House, who never had, claimed, nor ought to have any right or power to judge any Person or Cause civilly or criminally (having no authority to examine any Witnesses upon Oath, and being no Court of Record) but onely to accuse and impeach Delinquents in and before the House of Peers, where they alwaies have used to stand bare-headed at their Barre; but never yet to stand covered, much less to sit, vote, or give Judgement. And that the House of Commons without the concurrent assent of the House of Peers, and Kings of England, never heretofore challenged nor enjoyed, nor can of right pretend to any lawfull power or Jurisdiction to make or publish any form or binding Ordinance, Vote, Act, or Acts of Parliament whatsoever, nor ever once presumed to pass any Act or Acts

Acts to erect a new High Court of Justice, to try, condemn, or execute the meanest Subject, least of all their own Sovereign Lord and King, or any Peer of the Kingdom (who by the Common and Statute Laws of this Realm, and Magna Charta, ought to be tried only by their Peers and not otherwise) or to dis-inherit the right Heir to the Crown, or to alter the Fundamental Government, Laws, Great Seal, or ancient forms of process and legal proceedings of this Realm, or to make or declare High Treason to be no Treason; or any Act to be Treason, which in it self, or by the Law of the Land is no Treason, or to dispose of any Offices or Places of Judicature, or impose any Penalties, Oaths, or Taxes on the Subjects of this Realm. And therefore we do here in the presence of Almighty God, Angels, and Men, from our hearts disclaim, abhor, and protest against all Acts, Votes, Orders or Ordinances of the said Members of the Commons House lately made and published, for setting up any new Court of Justice to try, condemn, or execute the King, or any Peers or Subject of this Realm: (which for any Person or Persons to sit in or act as a Judge or Commissioner, to the condemning or taking away the life of the King, or any Peer or other Subject, We declare to be High Treason, and wilful Murder, to dis-inherit the Prince of Wales of the Crown of England, or against proclaiming him King after his Royal Fathers late most impious, traitorous and barbarous murder, or to alter the Monarchical Government, Laws, Great Seal, Judicatories, and ancient forms of Writs, and legal process and proceedings; or to keep up, or make good any Commissions, Judges, or Officers, made void by the Kings bloody execution; or to continue any old, or raise any new Forces or Armies; or to impose any new Taxes, Payments, Oaths or forfeitures on the Subjects; or to take away any of their Lives, Liberties or Estates against the Fundamental Laws of the Realm, or to make any new Judges, Justices or Officers; or set aside the House of Peers (far ancienter than the Commons House) and particularly this insolent and frantick Vote of theirs, Feb. 6. [That the House of Peers in Parliament is useless and dangerous, and ought to be abolished, and that an Act be brought in for that purpose] to be not onely void, null, and illegal in themselves by the Laws and Statutes of this Realm, but likewise treasonable, detestable, tyrannical and destructive to the Privileges, Rights and being of Parliaments, the just Prerogatives and Personal safety of the Kings of England: the Fundamental Government and Laws of the Realme,

the Lives, Liberties, Properties and Estates of the People, and the most transcendent tyranny and usurpation over the King, Kingdom, Parliament, Peers, Commons, and Freemen of England ever practised or attempted in any Age, tending onely to dishonour, enslave and destroy this antient flourishing Kingdom, and set up Anarchy and confusion in all places.

* 100.

The Kingly Office voted down, after almost 1000 years, it is now discovered by these new Lights to be inconvenient to be in one hand, therefore it must be in the Council of State, forty Tyrants for one King; that is, the Army, and their Party.

All which exorbitant and trayterous usurpations; We and all free born Englishmen, are by all obligations bound to oppose to the uttermost with our lives and fortunes, lest We should be necessary to our own and our Posterities slavery and ruine, for preventing whereof We have lately spent so much blood and treasure against the Malignant Party, whose Treasons and Insolencies they far exceed.

* The 7. Febru. the Commons debated about the Kingly Office, and passed this Vote.

Resolved, &c. By the Commons of England assembled in Parliament, that it hath been found by experience, and this House doth declare, That the Office of a King in this Nation, and to have the power thereof in any single Person is unnecessary, burdensome and dangerous to the liberty, safety, and publike Interest of the People of this Nation, and therefore ought to be abolished, and that an Act be brought in for that purpose.

A Committee was named to bring in a list of Names (not exceeding 40) to be a Committee of State, by Act of the House of Commons. This is to pull down one King to whom we owe Allegiance; and set up forty Tyrants, to whom we owe no Allegiance.

101.

A Committee to bring in a list of Names for a Council of State.

104.

New Commissions for the Judges, whereof six hold, and six quit their places.

Instructions were given by the Commons for drawing new Commissions for the Judges, according to the new Antimonarchical stile and way, the new Great Seal being now ready, a Committee of the House met the Judges about it; whereof six agreed to hold (upon a Provision to be made by Act of the House of Commons, that the Fundamental Laws be not abolished.) This very provision so made by Act of the Commons (beside all their former Votes against Monarchy, Peerage, altering

ing the stile of Writs, coynage of Money, &c. 'tis it self an abolition of the Fundamental Laws: This is but a Fig-leaf to cover their shame. Those that held were, Of the Kings Bench, Mr. Justice *Rolls* and Judge *Jermyn*; of the Common Pleas, Mr. Justice *S. John*, and Judge *Pheasant*; of the Exchequer, Chief Baron *Wilde*, and Baron *Yates*: those which quitted their places and kept their Consciences, were Justice *Bacon*, and Justice *Brown*, Sir *Tho. Beddenfield*, Justice *Creswell*, Baron *Treaver*, and Baron *Atkins*.

8. Febr. The Election of the General and Col. *Rich* at *Cyreneester*, which never durst see the light before, after about 3. years lying dormant, and no account made of it; is on a sudden reported to the House, approved of, and the Clerk of the Crown (for whom they have not invented a new name yet) ordered to mend the return of the Writ at the Bar.

* They likewise passed a Declaration to this purpose, that they are fully resolved to maintain, and shall and will uphold, preserve and keep the Fundamental Laws of this Nation; for and concerning the preservation of the lives, liberties, and properties of the People, with all things incident thereunto, with the alterations concerning Kings, and House of Lords, already resolved in this present Parliament.

so they are Burgesses not returned, but ordered to sit. * 104. A Declaration, That they will keep the Fundamental Laws, (lives) why did they erect the High Court of Justice, and do still continue Martial Law? (liberties) why do they press Seamen then? (properties) why do they levie illegal Taxes by Souldiers, and continue illegal Sequestrations.

Monday, February 12. The Commons appointed the Circuits for those Judges that held, and passed an Act for compleating the Judges of the several Courts, filling up the rooms of those that held not, with some alterations in their former Commissions, and a new Oath to be given them, to swear well and truly to serve the Common-wealth in the Office of a Justice of the Upper Bench (which all our Laws call the *Kings Bench*) or Common Pleas, according to the best of their skill and cunning.

The House passed an Act that the Oath under-written, and no other, be administred to every Freeman of the City of London at his admission, and of all other Cities, Burroughs, and Towns Corporate.

103.
Cyreneester election: But the Clerk of the Crown certified, that between the Committee of Elections, and himself, they could not find the Indentures of return: the House therefore Ordered, That they should sit, and do service;

105.
The Judges appointed, the Benches filled up, and their Oaths altered.

106.
A new Oath for the Freemen of London, and other Corporations.

You shall swear, that you will be true and faithfull to the Commonwealth of England, and in order thereto, you shall be obedient to the just and good Government of the City of London, &c.

107.
An Act to re-
peal the Oaths
of Allegiance,
Obedience,
and Supre-
macy.

They passed an Act also, to repeale the severall Clauses in the Statute, 1. Eliz. & 3. Jacob. enjoinning the Oaths of Allegiance, Obedience and Supremacy, That the said Oathes, and all other Oathes of the like nature shall be, and are hereby wholly taken away, the said Clauses in the said Acts be made void and null, and shall not hereafter be administred to any Person, neither shall any place or office be void hereafter by reason of the not taking of them, or any of them, any Law, Custome, or Statute to the contrary notwithstanding.

108.
Another De-
claration and
Protestation of
the secured and
secluded Mem-
bers.

In opposition to these tyrannous, destructive, illegal and traitorous proceedings of 40. or 50. cheating Schismatics, sitting under the force, and promoting the Interests of will and power, of the rebellious Councell of Officers in the Army, The secured and secluded Members of the House of Commons Declared as followeth,

* *A publike Declaration and Protestation of the secured & secluded Members of the House of Commons, Against the treasonable and illegall late Acts and proceedings of some few Confederate Members of that dead House, since their forcible Exclusion, 13. Febr. 1648.*

WE the secured and secluded Members of the late House of Commons, taking into our sad and serious Considerations the late dangerous, desperate, and treasonable proceedings of some few Members of that House (not amounting to a full eighth part of the House, if divided into ten) who confederating with the Officers and Generall Councell of the Army, have forcibly detained and secluded us (against the Honour, Freedom, and Priviledges of Parliament) from sitting and voting freely with them, for the better settling of the Kingdoms peace; and contrary to their Oaths of Allegiance and Supremacy, their Protestation, the Solemne League and Covenant, and sundry Declarations and Remonstrances

monstrances of both Houses, to His late *Murthered MAIESTY*, His Heires and Successors, the whole Kingdomes of England, Scotland, and Ireland, and to all forraigne States and Nations (since our exclusion and forced absence from their Counsells, by reason of the Armes force) most presumptuously arrogated and usurped to themselves the Title of, *The Supreme Authority of this Kingdome*: and by colour and pretence thereof have *nickedly* and *audaciously* presumed, without and against our privities or consents, and against the *unanimous Vote of the House of Peers*, to erect a *High Court of Justice* (as they terme it) though never any Court themselves, to Arraigne and condemn His Majesty, against the *Lawes of God*, and the *municipall Lawes* of the Realme: which Court (consisting for the most part of such *partiall* and *engaged Persons*, who had formerly vowed His Majesties destruction, and sought His blood) most illegally and unjustly refused to admit of His Majesties just Reasons and exceptions against their usurped Jurisdiction; and without any lawfull authority or proesse against Him, or Legall Triall, presumed most trayterously and impiouly to condemn and murder Him: and since that, have likewise presumed to Trie and Arraigne some Peers, and others free Subjects of this Realme for their Lives, contrary to *Magna Charta*, the *Petition of Right*, the *Laws of the Land*, and the liberty of the Subjects, to the great enslaving and endangering of the lives and liberties of all free People of England.

And whereas the said confederated Commons have likewise tyrannically and audaciously presumed contrary to their Oathes and Engagements aforesaid, to take upon them to make Acts of Parliament (as they terme them) without our privity or assents, or the joynt consent of the King and House of Lords, contrary to the Use and Priviledges of Parliament and knowne Lawes of the Land, and by pretext thereof have trayterously and wickedly endeavoured to Dis-inherit the Illustrious CHARLES Prince of Wales, next Heire to the Crowne, and actuall KING of England, Scotland, France, and Ireland, immediately after His said Royall Fathers barbarous Murther, by Right of descent; and proclaimed it Treason for any Person to Proclaime him KING; (whereas it is high Treason in them thus to prohibit His proclaiming) and have likewise trayterously and impudently encroached

a tyrannicall and lawlesse power to themselves to Vote down our ancient Kingly and Monarchicall Government, and the House of Peers, and to make a new Great Seale of England without the Kings Portraiture or Stile, and to alter the ancient Regall and Legall Stile of Writs and proceedings in the Courts of Justice, and to create new Judges and Commissioners of the Great Seale, and to dispense with their Oaths of Supremacy and Allegiance, and to prescribe new Oaths unto them contrary to Law, (though they have no Authority by any Law, Statute, or custome to administer or injoyne an Oath to any man) and thereby have trayterously attempted to alter the fundamental Laws and Government of this Kingdome, and to subvert the freedome, priviledges, and being of Parliaments; for which Treasons, Strafford and Canterbury (though least criminall) lost their Heads this last Parliament, by some of their owne prosecutions, and the judgment of both Houses.

We in discharge of our respective duties and obligations both to God, the King, our owne Consciences, our bleeding dying Kingdomes, and the severall Counties, Cities and Burroughs for which we serve, do by this present Writing, in our owne Names, and in the Names of all the Counties, Cities, and Burroughs which we represented in Parliament, publickly declare and solemnly protest before the all-seeing God, the whole Kingdomes of England, Scotland, and Ireland, and the world, that We do from the bottome of our hearts abominate, renounce and disclaime all the said pretended Acts, Votes, and proceedings of the said confederate Members, (acted under the Armies power against our consents) as treasonable, wicked, illegall, unparliamentary, tyrannical, and pernicious both to the King, Parliament, Kingdomes, and all the free-borne People of this Realme; extreamly disadvantageous and dishonourable to our Nation, scandalous to our Religion, and meer forcible Usurpations, and Nullities void in Law to all intents and purposes; which we, and all the Freemen of this Kingdome, and all the Kingdomes and Dominions thereto belonging, are bound openly to disavow, oppugne, and resist as such, with our purses, armes, lives, to the last drop of our blouds, and to which, neither We, nor any other can, ought, or dare to submit or assent in the least degree, without incurring the guilt of High Treason, and the highest perjury, infamy, and
disloyalty

disloyalty. And in case the said confederates shall not speedily retract, and desist from those their treasonable practises, and tyrannicall usurpations; (which We cordially desire and entreat them by all obligations of love and respect they have to God, Religion, their King, Country and Posterity timely to do.) We do hereby denounce and declare them to be Traytors and publique Enemies both to the King and Kingdome, and shall esteem and prosecute them, with all their wilfull Adherents, and voluntary Assistants as such; and endeavour to bring them to speedy and condigne Punishment, according to the *Solemne League and Covenant*; wherein, We trust the whole *Kingdome*, all those for whom We serve, and the *Lord of Hosts* himself to whom We have sworn and lifted up our hands, hearts, and fervent prayers, will be aiding and assisting to us, and all our Bretheren of *Scotland* and *Ireland* who are united and conjoynd with us in covenant to our GOD, and Allegiance to our *Soveraigne King CHARLES the Second*, who (we trust) will make good all His destroyed *Fathers concessions* which really concerne our peace, or safety, and secure Us against all force and tyranny of our *Fellow-subjects*; who now, contrary to their Trusts and former Engagements, endeavour by the meer power of that Sword, (which was purposely raised for the protection of our *Persons, Government, Religion, Laws, Liberties, the KING's Royall Person and Posterity, and the Priviledges of Parliament*) to Lord it over Us at their pleasure, and enthrall and enslave Us to their armed violence, and lawlesse martial wills; which we can no longer tolerate nor undergoe, after so long fruitlesse and abused patience in hope of their repentance.

About the same time came out another Paper, entitled :

¶ *Four true and considerable Positions for the sitting Members, the new Courts of Justice, and new Judges, Sheriffs, Officers, Lawyers, Justices, and others, to ruminate upon.*

109.
A Paper entitled [Four true Positions, &c.]

1. **T**HAT the whole House of Commons in no Age had any Power, Right or Lawfull Authority to make any Valid or binding Act or Ordinance of Parliament; or to impose any Tax, Oath, Forfeiture, or capitall punishment upon any Person or

Free-men of this Realme, without the *Lords* or *Kings* *concurrent* assents: much lesse then can a small remnant onely of the Members of that House do it, sitting under an armed force (which nulls and vacates all their *Votes* and proceedings, as the *Ordinance* of 20. *August*, 1647. declares) whilst most of their Fellow-Members are forcibly detained and driven thence, as Mr. *St. John* proves in his Speech concerning Ship-mony, p. 33. and in his Argument concerning the Earle of *Strafford's* Attainder, p. 70, 71, 76, 77, 78. and Sir *Edw. Coke* in his 4. *Instit. c. 1.*

2. That the few Members now sitting in, and the House of Commons being no Court of Justice of it selfe, and having no power to hear and determine any civill or criminall causes, nor to give an Oath in any case whatsoever, cannot by the Lawes and Statutes of the Realm, nor by any pretext of authority whatsoever, erect any new *Court of Justice*, nor give power or authority to any new *Judges*, *Justices*, or *Commissioners* to arraigne, try, condemn or execute any Subject of meanest quality, for any reall or pretended crime whatsoever; much less their own Sovereign Lord the King; or any *Peers* of this Realme, who ought to be tryed by their Peers, and by the Law of the Land alone, and not otherwise. And that the condemning and executing the King, or any Peere, or other Subject by pretext of such an illegall Authority, is no lesse than High Treason and wilfull Murther, both in the Members, and Commissioners, Judges or Justices, giving and executing Sentence of Death in any such arbitrary and lawlesse void Court, or by vertue of any such void and illegall Commissions.

3. That the House of Commons and Members now sitting, have no power nor authority to make or alter the Great Seale of *England*, or grant any Commissions to any Commissioners, Judges, Sheriffs, Justices of the Peace, or any other. That all the Commissions granted by them, under their New, or any other Seale, are meerly void and illegall; and all the new Writs and proceedings in Law or Equity before any Judges, Justices, Sheriffs, or other Officers made by them, meerly void in Law to all intents, & *coram non iudice*.

4. That the deniall of the KING's Title to the Crowne, and plotting the meanes to deprive Him of it, or to set it upon anothers Head, is High Treason, within the Statute of 25. *Ed. 3. cb. 2.* And that the endeavouring to subvert the Fundamentall Lawes and

and Government of the Realme of *England* [by King, Lords, and Commons] and to introduce a tyrannicall or arbitrary Government against Law, is High Treason at the Common Law (especially in Judges and Lawyers) not taken away by any Statute. Both which *Mr. St. John* in his Argument at Law, concerning the Bill of attainder of high Treason of *Tho. E. of Stafford*, published by order of the Com. House, *An. 1641. p. 8. 14. to 33. and 64. to 78.* And in his Speech as a conference of both Houses of Parl. concerning Ship-mony, *An. 1640.* hath proved very fully by many reasons and presidents; and *Coke* in his 7. Report, f. 10, 11, 12, and 3. *Instit. c. 1.* That the Commons now sitting, in making a new Great Seale, without the Kings Image or Style, in granting new illegall Commissions to Judges, Justices of Peace, Sheriffs, and other Officers, in the name of *Custodes Anglia* in the generall, in omitting and altering the Kings Name, Style and Title in Writs, Procelles, Indictments, and proceedings at the Common Law, and thereby indeavouring to Dis-inherit the *Prince*, (now lawfull King by and since his Fathers bloody murder) and to alter and subvert the Fundamentall Lawes and Government of the Realme, by such commissions and proceedings, and by the power of an Army to enforce them; and the Judges, Justices, Sheriffs, and other Officers who accept of such Commissions, and all those (especially Lawyers) who voluntarily assist, consent, and submit to such Commissions and Alterations by such usurped illegall Authority, and the Commissioners sitting in the new Courts of Justice are most really guilty of both these high * Treasons (in which there are no Accessories) and lesse excusable than *Strafford* or *Canterbury*, whom some of these new Judges and sitting Members impeached and prosecuted to death for those very Treasons themselves now act in a more apparent and higher degree than they, and (in respect of their oaths, covenant, callings, and places) are more obliged to maintaine the *Kings* Title, the Fundamentall Lawes and Government, the Rights and Liberties of the Kingdome and Parliament then they; and therefore (if they persevere therein) may justly expect the self-same capitall punishments they underwent, if not farre worse; especially since they attempt to reduce the *antientest Kingdome of all Christendom*, into the *puniest* and most contemptible State in all the World; and thereby to render us the most infamous, perfidious and dishonourable

* Whereupon
six Judges re-
fused to ac-
cept any new
Commissions,
or to act as
Judges.

honourable Nation under Heaven, both to the present and all succeeding Ages: which must needs make the contrivers and Abettors thereof the most detestable Traytors and publike Enemies to their *King* and *native Country*, that ever this Realme brought forth in any Age. Repent therefore of these your Treasons, and amend your lives, if you expect the least hope of pardon from God or Man; and expiate all your former *high misdemeanours*, by engaging all your power and endeavours to settle all things in *Church* and State according to your primitive engagements; instead of accumulating one sin and Treason to another, which will prove your certaine ruine in conclusion, not your safety.

About the same time, and (it is thought) from the same Author came forth a Paper bearing the Title of,

110.

Six propositions of undoubted verity
Another Paper.

Every Act of Parliament
relateth to the first day of the same Parliament.
but it cannot be, that any Act passed in the Reigne of

King Charles the second, should relate to the first day of this Parliament, which happened in the sixteenth yeare of Charles the First, 1649 this Parliament is determined by the death of King Charles the first.

¶ *Six Propositions of undoubted verity, fit to be considered in our present exigency by all loyall Subjects and conscientious Christians.*

1. **T**hat this Parliament is *ipso facto* Dissolved by the King's death; He being the Head, Beginning and End of the Parliament, called onely by his Writ, to confer with Him as His Parliament and Council about urgent affaires, concerning Him and His Kingdome, and so was it resolved in 1. *Hen. 4. Rot. Parl. n. 1. 14 H. 4. Coke 4. Instit. p. 46. & 4. c. 4. f. 44. b.*
King Charles the second, should relate to the first day of this Parliament, which happened in the sixteenth yeare of Charles the First, 1649 this Parliament is determined by the death of King Charles the first.

2. That immediately upon this Parliaments dissolution by the Kings death, all Commissions granted by the King, or by one or both Houses to the Generall or Officers of the Army, the Commissioners of the great Seale of *England*, Judges of the Kings Courts, Justices of Peace, Sheriffs, Excise-men, Customers, and the like; with all Committees, and ordinances of one or both Houses made this Parliament, did actually determine, expire, and become meerly void in Law to all intents and purposes, and cannot be continued as good and valid by any Power whatsoever.

3. That instantly after the Kings decease, the Imperiall Crowne

Crowne of this Realme of *England*, and of the Kingdomes, Dominions, and Rights thereunto belonging, was by inherent Birth-right, and Lawfull undoubted succession and descent, actually vested in the most Illustrious *Charles*, Prince of *Wales*, being next lineall Heire of the bloud Royall to his Father King *CHARLES*: and that He is actuall *KING* thereof, before any ceremony of Coronation, as is resolved in full Parliament, by the Statute of *1. Jacobi*, ch. 1. and by all the Judges of *England* since. *Coke* 7. Report. f. 10, 11. in *Calvins* case, Whose Royall Person and Title to the Crowne all loyall Subjects are bound by their Oaths of Supremacy, Allegiance, and Solemne League and Covenant, with their Estates, Lives, and last drop of their blouds to maintaine against all Opposers.

4. That all Peers of the Realme, Mayors, Sheriffs, chief Officers of Cities and Corporations in this Kingdome, are obliged by their Places and Allegiance, without any delays or excuses, to declare and proclaime Prince *Charles* to be rightfull King of *England*, and of all Kingdomes and Rights thereunto belonging, notwithstanding any illegall prohibitions or menaces to the contrary by any usurped Power whatsoever, under paine of being guilty of High Treason, and forfeiting their City and Corporation Charters, in case of supine neglect or refusall thereof, through fear, terror, or any sinister respect.

5. That till King *Charles* be settled in his Throne, or give other Order, the present Government of the Kingdome is legally vested onely in the Lords and Peers of the Realme, being by Inheritance, custome and Law in such case, the Kings and Kingdoms great Council, to whose lawfull commands all other Subjects ought to yeeld ready Obedience.

6. That every professed actuall endeavour by force or otherwise to alter the fundamentall Monarchicall Government, Laws, and legall Style and proceedings of this Realme, and to introduce any new Government or Arbitrary proceedings contrary thereunto, is no lesse then High Treason, and so declared and resolved by the last Parliament, in the cases of *Strafford* and *Canterbury*, the losse of whose Heads (yet fresh in memory) should deterre all others from pursuing their pernicious courses, and out-stripping them therein; they being as great, potent, and as farre out of the reach

reach of danger and justice in humane probability as any of our present Grandees.

111.
A New Stamp
for Coyne.

That no Act of Rebellion and Treason might be unattempted by this Conventicle, no part of the Regalities of the King, or Peoples Liberties unviolated; they considered of a New Stamp to be given to all Coyne (for the future) of this Nation.

112.
Instructions
for the Council
of State.

13. *Febr.* They considered of Instructions and Power to be given by way of Commission to the said Committee, or Council of State. 1. For the Government of the two Nations of *England* and *Ireland*; appointing a Committee to bring in the Names of these *Hogem Mogens*; and to perfect their Instructions: for, (1) Ordering the Militia. (2) Governing the People, (they were wont to be Governed by knowne Lawes, not by Arbitrary Instructions, and by one King, not by forty Tyrants, most of them base Mechanicks, whose education never taught them to aspire to more knowledge then the Office of a Constable.). (3) Setling of Trade. (most of them have driven a rich Trade in the work of Reformation for themselves.) (4) Execution of Lawes, (this was wont to be done by legall sworne Judges, Juries, and Officers.)

113.
Powers given
to the Council
of State.

14. *Eebr.* The Committee reported to the House the Names of the Committee of State, or Lords States Generall. Also the Power they were to have, *viz*: 1. Power to command and settle the Militia of *England* and *Ireland*. 2. Power to set forth Ships, and such a considerable Navy as they should think fit. 3. Power to appoint Magazines and Stores for the Kingdoms of *England* and *Ireland*, and dispose of them from time to time for the service of both Nations, as they shall think fit. 4. Power to fit and execute the severall powers given for the space of one whole yeare: with many other powers not yet revealed, and daily increased: besides what improvements of Power they are able to make hereafter, having the Militia of an Army (that formidable Hob-goblin) at their command. They have two Seales appointed, a Great Seale, and a Signet Patents for Sheriffs, and Commissions for Justices, and Oaths for both, were reformed according to the Godly cut.

When

When the Committee of State was nominated in the House, divers Gentlemen of the best quality were named; whom they could not omit, because they had sat with them, and concurred in all their great debates: although they had more confidence in those petty Fellows, who had, or would sell their souls for gain, to make themselves Gentlemen, to debarre the said Gentlemen of quality therefore and make them forbear, they invented an expurgatory Oath or *Shibboleth* to be taken by every Member before his initiation, whereby they should declare, *That they approved of what the House of Commons and their High Court of Justice had done against the KING, and of their abolishing of Kingly Government, and of the House of Peers, and that the Legislative and Supreme power was wholly in the House of Commons, 22. Febr. Cromwell* (Chairman of that Committee of State) reported to the Commons, *That according to the Order of that House, 19. of the said Members had subscribed to that forme of the Oath, as it was originally penned: but 22. of them scrupled it, whereof all the Lords were part, not but that they confessed (except one) The Commons of England to be the Supreme power of the Nation, or that they would not live and die with them in what they should do for the future, but could not confirm what they had done in relation to the King and Lords: so it was referred to a Committee, to consider of an expedient.*

Cromwell (having made use of the Levellers, (Assertors of public Liberty) to purge the House of Commons, and abolish the Lords House) doth now endeavour to cast down the Levellers once more, finding himself raised to so great an height, that he cannot endure to think of a levelling equality; he overawes the Council of Warre, over-awes the House of Commons, and is Chairman and Ring-leader of the Council of State: so that he hath engrossed all the power of England into his own hands, and is become the Triple-King, or Lord Paramount over all the Tyrants of England; in opposition therefore to the Levelling

the Authority of Parliament, until they had made use of the Levellers to purge the House of Commons, and make it subservient to their ends, and abolish the House of Lords: and then they cried up the Supreme Authority of their House of Commons, and decried the Liberty of the people, and the Levellers who upheld it. So Charles the 5. first made use of the Popes Authority to subdue the Protestants of Germany, and then used an Army of Protestants to subdue and imprison the Pope.

party, and for the upholding his own more Lordly Interest, he procured an expedient to Alter and Reforme the said Oath, which at last passed in this forme following:

February the 22. 1648.

116.
The forme of
the said reformed Oath.

I A. B. being nominated a Member of the Councel of State by this present Parliament, do testify, that I do adhere to this present Parliament, in the maintenance and defence of the publique liberty and freedom of this Nation, as it is now Declared by this Parliament, (by whose Authority I am constituted a Member of the said Councel) and in the maintenance and defence of their resolutions concerning the setting of the Government of this Nation for the future, in way of a Republique without King or House of Peers, and I do promise in the sight of God, that (through his Grace) I will be faithfull in performance of the trust committed to me as aforesaid, and therein faithfullly pursue the Instructions given to the said Councel by this present Parliament; and not reveale or disclose any thing in whole or in part, directly, or indirectly, that shall be debated or resolved upon in the Councel, without the command or direction of the Parliament, or without the order or allowance of the major part of the Councel, or of the major part of them that shall be present at such Debates or Resolutions: In confirmation of the premises, I have hereto subscribed my Name.

Here you see a curtain drawn between the eyes of the people, and the clandestine machinations and actions of this Councell.

117.
The C. of War debate to massacre the Kings party. See Will. Sedgwicks [Lunatick] upon the Armes Remembrance.]
About this time it was debated at the Councel of Warre to Massacre and put to the Sword all the KING'S Party, The Question put, was carried in the Negative but by two Voices. You see what Furies pursue these sinfull Wretches, and what dangerous rocks they dash upon, in order to that base and cowardly principle of Self-preservation.

118.
Schismaticall Petitions for 2. or 3. principall Gentlemen in each County to be brought to justice.

The Army hath in every County of England packs of schismatical Beagles, whom they hollow on to hunt in full crie (by Petitions to the House) after the bloud of such whom they design for slaughter. Many Petitions have been lately presented, That two or three principall Gentlemen of the KING'S Party (by name) in each County, might be sacrificed to Justice, whereby the Land might be freed from blond-guiltinesse.

Divers.

Divers Merchants have contracted to send forth severall Ships for the next Summers Fleet, at their own charge.

The Prodigious High Court of Justice was revived in order to the Trial of the Earle of *Holland*, the Earle of *Cambridge*, the Earle of *Normich*, the Lord *Capel*, and Sir *John Owens*; the Commissioners were changed (that they may engage as many men in arbitrary, illegal tyranny and bloud-shed as they can.)

Hamilton was exceedingly importuned by *Cromwell* (who took a journey to *Windsor* purposely) to name such Members of Parliament and Citizens as had any hand in calling him in: this he either could not, or would not do; he had (in order to his own ambition) first exasperated the Independent party against the KING, and afterwards sought their ruine by engaging for the KING: and he doubted that to undertake so odious an office as to play the Devils part, and be an Accuser of his Brethren, would but set a glosse upon the Independents intended severity against him. Being brought to St. *James's* in order to his Tryall, *Cromwell* (hoping to traine him to a confession) caused all his Creatures to carry a favourable countenance to him. *Bradshaw* smoothed him up with soft language at the Barre; the Lord *Gray* of *Grooby*, Col. *Wayte*, and *Hugh Peters*, gave him hopes that they would not much obstruct his pretended Plea of Quarter from *Lambert* upon Articles, *Peters* avouched Quarter so given by *Lambert*; notwithstanding Colonel *Wayte* (when he made Report to the House of Commons how he took him) affirmed, *He yeilded at discretion, and Lambert was not then neer him*: after this *Peters* gives *Hamilton* a Visit, who gives *Peters* thanks and money to boot for his late favour done him in Court; and knowing him to be an Instrument of *Cromwells*, imployed him as his Solicitor to the Members of the House and Army. *Peters* prays for *Hamilton* openly as his Lord & Patron, still feeding him with hopes. If he would Impeach their Opposites: yet still he waved this, offering them 100000*l.* for his life, and often inculcating what services he would do them in *Scotland*; for which purpose he offered to joyn Interests with *Argyle*, and be a Servant to their Party. Messengers were posted into *Scotland* to know *Argyles* pleasure: But he had been over-reached formerly by *Hamilton*, and he was resolved to admit no Competitor, which would have eclipsed his great-

119.
Merchants ar-
ming Ships for
this Summers
Fleet.

120:
The High
Court of Ju-
stice revived.

121.
The History of
Hamiltons im-
prisonment
and death.
See *digittas Dei*
upon Duke
Hamilton.

Quare, What
an accusation
extorted for
feare of death,
and hope of
life is worth a
Hamilton con-
fessed at his
death, he had
been much
pressed; yet
had named no
name.

ness, and have made him not the sole Patron of Scottish Independency: Besides, the Kirk so farre hated *Hamilton* that they preached off his head in *Scotland*, before it was cut off in *England*: the High Court of Justice lingered long in expectation of an Answer; at last such a one came as decried all reconciliation with *Hamilton*, whereupon the scene was altered presently, *Brudshaw* handled him roughly at the Bar, *Mar. 6.* Those which smiled on him before, frowned now; being asked *what he could say?* he pleaded *Quarter*, and vouched *Peters* Testimony: who with a brazen face renounced his former Testimony, saying, *He now remembered no such matter, but that the Army scorned to give quarter to him, or any of his Nation:* whereupon, he was condemned to the Block; which Sentence, was executed upon him, *March, 9.* yet they fed *Hamilton* with vaine hopes to the last gasp, for fear he should give glory to God, and throw shame and infamy upon themselves by a Christian confession of his, *Argyles*, and their mutual villanies: besides, such a Discovery would have made *Argyle* lesse serviceable to them in *Scotland*, whose next designe is to cajole the Kirk by seeming an Enemy to the Sectaries of *England*, and pretending to serve the Presbyterian Interest. Thus I conclude the Tragedy of Duke *Hamilton*.

When *Hamilton* was upon the Scaffold, divers Officers of the Army, and *Hugh Peters* conversed familiarly with him to the last, and Messengers passed to and fro.

122.
The Death of the Lord *Capel*.

In opposition to whom, I will briefly relate the Tragedy of the noble Lord *Capel*, a Gentleman of great courage and integrity. He had made an adventurous escape out of the *Tower*, but was re-taken by the treachery of a limping Water-man, (if I knew his Name I would bestow a blot of Inke upon him.) He pleaded for himself. *Articles of Surrender* (which were reall in him, though not in *Hamilton*) that divers that were in *Colchester*, and in his condition, had been admitted to compound; and desired to be referred to *Martial Law*, which being denyed, He moved, he might not be debarred of *Additionall* defence; if he must be judged by the *Common Law*, then he demanded the full benefit of that *Declaration of the Commons*, 19. Feb. 1648. which Enacteth and Declareth, *That though King and Lords be laid aside, yet all other the fundamental Laws shall be in force concerning the lives, liberties, and properties of the Subject:* and recommended to them *Magna Charta*, *The Petition of Right*, 3. *Caroli.* and the Act made, *H. 7.* for indemnity of all such as adhered to the present King in possession also.

also the exception in the Act of Attainder of Strafford and Canterbury, which saies, *Their Cases shall not be used as a precedent against any man*: He desireth to see his jury, and that they might see him, and so might be Tried by his Peers, saying, *He did beleive no precedent could be given of any Subject Tried, but by Bill of Attainder in Parliament, or by a Jury*. But all was but to charme a deaf Adder. He was a gallant Gentleman, and they durst not let him live.

The KING'S Library at St. James's was given (I hear) to that ignorant Stage player *Hugh Peters*.

26. Febr. *John Lylburne* delivered to the Commons (by the name of the Supreme Authority of England) A Petition in the name of many thousand well-affected, with a Book annexed, entituled *Englands new Chaines discovered*. The most material points thereof are, that they find fault with *The Agreement of the People*, presented to the House by Lieu. Gen. *Hammond*, from the Officers of the Army: because,

1. *They like not there should be any intervals between the end of this Representative now sitting, and the beginning of the next, whereby during the said Intervall the Supreme power will be left in the new erected Council of State, a constitution of a new and unexperienced nature, which may designe to perpetuate their power, and keep off Parliaments and Representatives for ever.*

2. *They conceive no lesse danger in that it is provided that Parliaments for the future, are to continue but 6. months, and the Council of State 18. Months; in which time having command of all the Forces by Sea and Land, they will have great opportunities to make themselves absolute and unaccountable.*

3. *They are not satisfied with that Clause in the said Agreement, That the Representative shall extend to the erecting and abolishing Courts of Justice; since the alteration of the usuall way of Trials by 12. sworn men of the Neighbour-hood may be included therein, as hath lately been done by erecting a new High Court of Justice criminall under a President and Commissioners, or Tryers picked and chosen in an unusuall way, all liberty of exceptions against them being over-ruled.*

4. *They are not satisfied with that Clause in the Agreement, That the Representative have the Highest finall Judgment; since*

their Authority is onely to make Generall Laws, Rules and Directions for Courts, and Persons assigned by Law to execute them, unto which the Representatives themselves are to be subject, it being a great partiality and vexation to the People, that the Law-makers should be Law-executors.

5. They finde fault with the Excise, calling it, The great obstructor of all Trade, farre surmounting Ship-money, and all Patents, Projects, and Monopolies before this Parliament.

6. The Act for Pressing of Sea-men.

7. The General and Officers obstructing the Presse.

8. The Chancery and Courts of Justice not regulated.

9. They complaine, That a Council of State is hastily chosen as Guardians of the Peoples liberties, with a vast and exorbitant power:

1. To command, order, and dispose of all Forces by Sea and Land, and all Magazines of Store in England and Ireland. 2. To dispose all publique Treasure. 3. To command any Person whatsoever before them, to give Oath for discovery of Truth. 4. To Imprison any that shall disobey their Commands, and such as they shall Judge contumacious: what now is become of Magna Charta, and the Liberties of the People, That no Mans Person shall be Attached or Imprisoned, or Disseised of his Free-hold or Free-customes but by lawfull Judgement of his Equalls? This Council of State hath got all power into their hands (a project long laboured) and now their next motion will be (pretending ease to the People) to Dissolve this Parliament.

10. The Petitioners complaine, that in order to settle their Tyranny, the Council of Officers insisted upon it, That a motion should be made to the House of Commons, to enable them to put to death by Martial Law all such as they shall judge by Petitions, or otherwise to disturbe the present proceedings, whether Members of the Army, or not. And when it was urged, That the Civil Magistrate should do it: it was answered, * They could hang twenty ere the Magistrate could hang one. The prayer of their Petition

1. That the Self-denying Ordinance be observed.

2. That they would consider how dangerous it is, to continue the Highest Military Commands so long in the same Persons, especially being so long distinct, and of themselves, as those now in being have done,

Hunting the
Foxes: p. 8.
sayer, it was
Hewson's inven-
tion

*The saying of
Col. Hewson
the one-eyed
Cobler.
See Hunting
the Foxes: p. 10.

done, and in such extraordinary waies, whereunto they have accustomed themselves, which was the original of most Tyrannies.

3. That they would appoint a Committee of Parliament-men, to hear, and determine all controversies between Officers and Officers, Officers and Souldiers: to mitigate the rigour of Martiall Law, and to provide it be not executed upon any, not Members of the Army.

4. That they will open the Presses.

5. That they will dissolve this Councel of State, threatening so manifest Tyranny.

6. That they will severely punish all such as acting upon any Order, Ordinance, or Act of Parliament, shall exceed the power conferred on them.

After this came forth a second part of Englands new Chaines discovered, setting forth the hypocrisie and perfidiousnesse of the Council of the Army and the Grandees, in cheating all Interests, King, Parliament, People, Souldiers, City, Agitators, Levellers, &c. which tells you, That the Grandees walk by no principles of Honesty or Conscience, but (as meer Polititians) are governed altogether by occasion as they see a possibility of making progresse to their Designs, which course of theirs, they ever termed, *A waiting upon Providence*, that under colour of Religion, they might deceive the more securely. It tells you, their intent is to Garrison all great Towns, to break the spirits of the People with oppression and poverty. It farther Declares, that these Grandees judge themselves loose, when other men are bound; all Obligations are to them Transitory and Ceremonial; and that every thing is good and just as it conduceth to their Interests, That the Grandees never intended an Agreement of the People, but onely to amuse that party, whilest they hastily set up a Councell of State to establish their Tyranny, that to prepare the way to this, they broke the House of Commons, took away the House of Lords, removed the King by an extrajudiciall way of proceedings, and erected such a Court of Justice as had no place in the English Government. That the remainder of the House of Commons is become a meer channell through which is conveyed all the Decrees and Determinations of a private Councell of some few Officers. All these, and the Votes, *That the Supreme power is in the people, and the Supreme Authority in the Commons* their

135.

A second part
of Englands
New Chaines.

See the Hun-
ting of the
Foxes, &c.
p. 6, 7, 8.

Returne to
sect 2. & 5.

their Representative, were onely in order to their Interests of will and power. That they place their security in the divisions of the People. That if the present House of Commons should never so little crosse the ambition of these Grandees, they would shew no more modesty to them then they have done to the excluded Members: And so it concludes with a Protestation against their breaking the Faith of the Army with all Parties, their dissolving the Council of Agitators, and usurping a power of giving forth the sense of the Army against the Parliament and People, against their shooting to death the Souldier at Ware, and their cruelties exercised upon other Persons, to the debasing of their Spirits, and thereby new-moulding the Army to their Designs: against their playing fast and loose with the King and His Party till they had brought a new and dangerous Warre upon this Nation. They also protest against their dissembled Repentances, against their late extraordinary proceedings in Bringing the Army upon the City, (to the ruine of Trade) their breaking the House of Commons in peices, without charging the Members particularly, and then judging and taking away mens lives in an extraordinary way, as done for no other end but to make way for their owne absolute Domination. They also protest against the Election and establishment of those High Courts of Justice, as unjust in themselves, and of dangerous precedent in time to come; as likewise against the Council of State, and putting some of themselves therin, contrary to their own Agreement. They also protest against all other the like Meetings of those Officers, that on Thursday, 2. Feb. Voted for so bloody a Law, as to hang whom they should judge disturbed the Army, as having no power either by such Councils to give the sense of the Army, or to judge any Person not of the Army, or to do any thing in reference to the Common-wealth.

126.
The Hunting
of the Foxes
from Tryp-
lo and New-mar-
ket by 5. small
Beagles, p. 8.

About this time also became publique a pretty Book, entituled [*The Hunting of the Foxes from New-market and Triploe to White-hall by 5. small Beagles*,] which tells you, That the Grandee-Officers of the Army to keep the Souldiers quiet, did formalize about an Agreement of the People whilst they carried on their platforme of absolute tyranny (long since hatched by Iren) by erecting a Council of State: no sooner was this monster borne,

born, but it devoured half the Parliament of England, and now it is adorned it self with Regall magnificence, and majesty of courtly Attendants, and like the 30 Tyrants of Athens, to head it self over the People; this is, and yet this is not our new intended King, there is a King to succeed, this is but his Viceroy. O Cromwell! whither art thou aspiring? the word is already given out amongst their Officers, That this Nation must have one prime Magistrate or Ruler over them, and that that the Generall hath power to make a Law to bind all the Commons of England: This was most daringly and desperately avowed at White-hall, and to this temper these Court-Officers are now a moulding: He that runs may read and fore-see a new Regality, thus by their Machivilian pretences and wicked practices, they are become Masters and Usurpers of the name of the Army, and of the name of the Parliament, under which Visions they have levelled and destroyed all the Authority of this Nation; for, the Parliament indeed and in truth is no Parliament, but a Representative Glass of the Councell of Warre; and the Councell of Warre but a Representative of Cromwell, Ireton, and Harrison: and these are the All in All of the Nation, which under the guises and names of Parliament, Army, Generall Councell, High Court, and Councell of State, play all the strange pranks that are played. And further, p. 13. The conclave of Officers have sucked in the venome of all former corrupt Courts and Interests, the High Commission, Starre-Chamber, the House of Lords, the King and his privy Councell, are all alive in that Court called, The Generall Councell of the Army. 1. The King stood upon it, That he was accountable to none but God, that he was above the Parliament and People; and to whom will these men be accountable? to none on earth: and are they not above the Parliament? they have even a Negative Voice thereover, formerly the Commons could pass nothing without the House of Lords, and now they dare pass nothing without the concurrence of the conclave of Officers: we were formerly ruled by King, Lords, and Commons; now by a Generall, Court Martiall, and House of Commons: what is the difference? the Lords were ruled those few left sitting to unvote in a thin House, what was voted in full House; this is more then to usurp a Negative Voice over them: return to sect. 18. 23. 28.

The House by
Votes, 5. Dec.
1648. voted, the
King's Conces-
sions a ground,
&c. And the
Army secured
and expelled
250. Members
for using liber-
ty to vote ac-
cording to
their conscien-
ces, and over-

not Members both of the House of Peers, and of the House of Commons, but the Officers, (our martiall Lords) are Members both in the House, or Councell of Officers, and in the House of Commons, we have not the change of a Kingdom to a Common-wealth; we are onely under the o'd cheat, *A transmutation of Names*, but with the addition of new Tyrannies, for casting out one unclean Spirit, they have brought with them in his stead seven other unclean Spirits more wicked than the former, and they have entered in and dwell there, and the last state of this Common-wealth is worse than the first. Lastly, they set down some illegall proceedings and Examinations before the Councell of Warre, exceeding the High Commission, and Star-Chamber.

127.
The Authors
censure of the
Levellers.

These three Books shew the late endeavours of the *Agitators*, and that party, which the *Grandeess* politicly mis-call (to cast an odium upon them) *Levellers*; they are the truest Assertors of *humane Liberty*, and the most constant and faithfull to their Principles and party of any in the Army, and though they have many redundancies and superfluous Opinions fit to be pruned off by conversing with discreet honest Men, or rather by a discreet and just publique Authority, (which I am confident is feasible, since their principles concenter in the publique, not in their own private Interest and Opinions, and are no other waies changeable than conduceth with the emergent occasions of the Common-wealth) yet they are but like the water-boughs of a healthy fruit, Tree, rather troublesome than dangerous, whereas the designs of their Antagonists (like rocks under water, or poyson in well-cooked meat) destroy before they are discovered.

128.
The Authors
censure of His
Majesties Post-
humous work,¹
entitled, (*The*
Portraiture of
His Sacred Ma-
jestys in His So-
berities and
Sufferings.)

About this time arose a Phoenix out of His Majesties Ashes, that most excellent Issue of His Brayn, entituled, [THE POR-
TRAITURE OF HIS SACKED MAJESTY IN
HIS SOLITUDES AND SUFFERINGS.] A Book full fraught
with wisdom, Divine and Humane, shewing Him to be more than
Conquerour of His Enemies in His rare Christian patience and cha-
rity; the very reading of it aggravateb our loss of so Gracious
and excellent a Prince, that had learned the whole method of
humane perfection in the schoole of adversity. Herod and his Jews
never persecuted Christ in his swadling-clouts with more indu-
strious malice, then the Antimonarchicall Independent Faction,
this

this Book in the Presses and shops, that should bring it forth into the world, knowing that as the remembrance of Heaven strikes a horror into us of Hell, So the contemplation of his virtues will teach us to abhorre their vices.

March 8. 1648. The Commons assented to a new Form of a
 Writ for election of Knights and Burgeses for the Parliament.

But three dayes before it was reported to the House from the Councell of State, what number of Horse and Foot they thought fit to be kept up for the service of England and Ireland, and the Monthly charge, which estimated come to 16000 l. per mensem. You see we are likely to finde these our new Lords such gracious Masters to us, that (as the second part of Englands new Chains saith) *We shall have Taxes, though we have neither Trade nor Bread.* In the Earle of Essex time (when the Warre was at the highest) the Monthly Tax came but to 54000 l. a Month, yet had we then seven or eight Brigades besides his Army and Garrisons: but that the Faction of Saints may carry on the work of a thorow Reformation in our purses, as well as they have done in the Church and Common-wealth, they first raised the Tax to 60000 l. a Month for England, besides 20000 l. a Month pretended for Ireland (but I believe little of it slips through their sanctified fingers to go thither.) And now (to shew they can use double dealing against the Ungodly) they would double the summe from 80000 l. to 160000 l. a Month; this is to break our hearts with property, and make them take what impressions of slavery they please to set upon them; this Conventicle of State will engross all the Coyne and Treasure of the Land into their own hands, and then subdue us therewith, and make us (like slavish Egyptians) *sell our selves and our Lands for Bread, or money to buy Bread,* when (that inseparable companion of a long warre) *Famine* approacheth, which their barbarous and illegall *Sequestrations* (unstocking mens Farms and laying them wait) will inevitably bring upon us; they have more hope to subdue and lessen the number of their Opposites by *famine and want, then by the Sword*; in order to which, they have destroyed the Trade of the City, and undone multitudes of Trades-men, who being disabled to pay their Taxes, the Army cause all their Arrears to be leaved upon the City by a new Tax upon the rest of the Inhabitants and the Out-

129.
 The form of
 Writs for
 Elections
 chang'd.

130.
 A new establishment for
 the Army reported to the
 House from
 our new Masters the Council of State.

landlords; and when *Cromwell* was told, this would undo the City, He answered, It was no matter, the more were undone, the more would clap Swords to their sides and come into the Army: you see Souldiery is intended to be the chief Trade,

131.
An Act for the prosecution of their said Design, and to please their Masters of the Army, passed, printed, and published in the form and style of a Statute this Paper following: intituled,

An Act for the Abolishing the Kingly Office in England.

Since by the Law, the Crown cures all defects; how can the King's blood be attainted?

WHereas Charles Stuart late King of England, Ireland, and the Territories and Dominions thereunto belonging, hath by Authority derived from Parliament, been, and is hereby declared to be justly condemned, adjudged to die and put to death, for many treasons, murders, and other heinous offences committed by him, by which Judgement he stood and is hereby declared to be attainted of High Treason, whereby his Issue and Posterity, and all others pretending Title under him, are become incapable of the said Crowns, or of being King or Queen of the said Kingdom or Dominions, or either or any of them:

We have sworn faith and Allegiance to K. Charles the First, His lawfull Heirs and Successors, and our Vow is recorded in Heaven from which no power on earth can absolve us. See the Oathes of Allegiance, Obedience, and Supremacy. The Statute of Recognition, 1. Jac. But the Commons are now Supreme, as in imitation of the Pope to bring this Clause in practice, *Licet de jure non possumus, tamen pro plenitudine potestatis nostrum volumus, &c.*

Be it therefore Enacted and Ordained, and it is Enacted, Ordained, and Declared, by this present Parliament, and by Authority thereof, That all the People of England and Ireland, and the Dominions and Territories thereunto belonging, of what degree or condition soever, are discharged of all Fealty, Homage and Allegiance which is or shall be pretended to be due unto any of the Issue and Posterity of the said late King, or any claiming under him; and that Charles Stuart eldest Sonne, and James called Duke of York, second Sonne, and all other the

Issue

Issue and Posterity of him the said late King, and all and every person and persons pretending Title from, by or under him, are and be disabled to hold or enjoy the said Crown of England or Ireland, and other the Dominions thereunto belonging, or any of them, or to have the Name, Title, Stile, or Dignity of King or Queen of England and Ireland, Prince of Wales, or any of them; or to have and enjoy the power and Dominion of the said Kingdoms and Dominions, or any of them, or the Honours, Manors, Lands, Tenements, Possessions, and Hereditaments belonging or appertaining to the said Crown of England and Ireland, and other the Dominions aforesaid, or to any of them, or to the Principality of Wales, Dutchy of Lancaster or Cornwal, or any or either of them, Any Law, Statute, Ordinance, Usage, or Custome to the contrary hereof in any wise notwithstanding: And whereas it is and hath been found by experience, that the Office of a King in this Nation and Ireland, and to have the power thereof in any single Person is unnecessary, burthensome and dangerous to the liberty, safety, and publike interest of the people, and that for the most part, use hath been made of the Regal power and prerogative, to oppress, impoverish, and enslave the Subject; and that usually and naturally any one person in such power, makes it his interest to incroach upon the just freedom and liberty of the people, and to promote the setting up of their own will and power above the Laws, that so they might enslave these Kingdoms to their own Lust: * Be it therefore Enacted and Ordained by this present Parliament, and by Authority of the same, That the Office of a King in this Nation, shall not henceforth reside in, or be exercised by any one single Person; and that no one person whatsoever, shall or may have, or hold the Office, Stile, Dignity, Power or Authority of King of the said Kingdoms and Domini-

All our Laws cut off by the non obstante of an eighth part of the House of Commons sitting under a force.

After almost 1000 years experience it is now found to be dangerous. The English were never one half-quarter so much enslaved since William the Conquerour subdued them, as they have been since Oliver the Brewer subjugated them.

* But in a Council of State of forty Tyrants sitting under the protection and awe of Oliver.

ons, or any of them, or of the Prince of Wales, Any Law, Statute, Usage, or Custome to the contrary thereof in any wise notwithstanding. And it is hereby Enacted, That if any person or persons shall endeavour to attempt by force of Armes, or otherwise, or be aiding, assisting, comforting, or abetting, unto any person or persons that shall by any wayes or means whatsoever, endeavour or attempt the reviving or setting up again of any pretended Right of the said Charles, eldest Son to the said late King, James called Duke of York, or of any other the Issue and Posterity of the said late King, or of any person or persons claiming under him or them, to the said Regal Office, Stile, Dignity, or Authority, or to be Prince of Wales; or the promoting of any one person whatsoever, to the Name, Stile, Dignity, Power, Prerogative or Authority of King of England and Ireland, and Dominions aforesaid, or any of them: That then every such offence shall be deemed and adjudged High-Treason, and the Offenders therein, their Counsellors, Procurers, Aiders and Abettors, being convicted of the said Offence, or any of them, shall be deemed and adjudged Traitors against the Parliament and People of England, and shall suffer, lose and forfeit, and have such like and the same pains, forfeitures, judgements and execution, as is used in the Case of High-Treason: And whereas by the abolition of the Kingly Office provided for in this Act, a most happy way is made for this Nation (if God see it good) to return to its just and antient right of being Governed by its own Representatives or National meetings in Council *, from time to time chosen and entrusted for that purpose by

High Treason is what these Legislative Thieves like to make it, an Arbitrary crime, notwithstanding the Stat. 15 Ed. 3. for limiting and ascertaining of Treasons, for security of the people. Tiberius and Nero's days are fallen upon us; Of which Tacitus, Ingen; crimen divitiis; & complementum omnium accusarum omnia laesa majestas.

* When was

England governed by their own Representative? or had any other regiment then Kings? But what the Legislative Conventicle declares, we must believe, though contrary to our knowledge. They will lead our Faith and Reason in a string, or have our necks in a halter. A period to this Parliament, and leave the Supream power in the Council of State, a design long since attempted. See First and Second Part of England's New Chains, and the Hunting of the Foxes. No obedience is due by Law to them, which takes no notice of this form of Government,

the

the People ; It is therefore Resolved and Declared by the Commons assembled in Parliament, that they will put a period to the sitting of this present Parliament, and dissolve the same so soon as may possibly stand with the safety of the people that hath trusted them, and with what is absolutely necessary for the preserving and upholding the Government now settled in the way of a Common-wealth, and that they will carefully provide for the certain chusing, meeting, and sitting of the next and future Representatives, with such other circumstances of freedom in choice and equality in distribution of Members to be elected thereunto, as shall most conduce to the lasting freedom and good of this Common-wealth : And it is hereby further Enacted and Declared, notwithstanding any thing contained in this Act, no person or persons of what condition and quality soever, within the Common-wealth of England and Ireland, Dominion of Wales, the Islands of Guernsey, and Jersey and Town of Berwick upon Tweed, shall be discharged from the obedience and subjection which he and they owe to the Government of this Nation, as it is now Declared, but all and every of them shall in all things render and perform the same, as of right is due unto the Supreme Authority hereby declared to reside in this and the successive Representatives of the People of this Nation, and in them onely.

About the same time they passed another Act, for Abolishing the House of Peers, to this purpose.

THE Commons of England assembled in Parliament, finding by too long experience that the House of Lords is useless and dangerous to the People of England to be continued, have thought fit to Ordain and Enact, and be it Ordained and Enacted by this present Parliament, and by the Authority of the same, That from henceforth the House of Lords in Parliament shall be, and is hereby wholly abolished and taken away, and that the Lords shall not from henceforth meet, or sit in the said House called the Lords House, or in any other House or place whatsoever, as a House of Lords, nor shall sit, vote, advise,

132.
An Act for abolishing the House of Peers.
More New lights, new discoveries made by Iouis satui, gross fiery Meteors, remaining in the Commons.

advise, adjudge, or determine of any matter or thing whatsoever, as a House of Lords in Parliament. Nevertheless it is hereby Declared, That neither such Lords as have demeaned themselves with honour, courage, Fidelity to the Common wealth, nor their Posterities who shall so continue, shall be excluded from the publicke Councils of the Nation, but shall be admitted thereunto, and have their free Vote in Parliament if they shall be thereunto elected, as other persons of Interest elected and qualified thereunto ought to have: And be it further Ordained and Enacted by the Authority aforesaid, that no Peer of this Land not being elected, qualified, and sitting in Parliament, as aforesaid, shall claim, have, or make use of any Priviledge of Parliament, either in relation to his person, quality or estate, any Laws, Usage, or Custome to the contrary notwithstanding.

And to lessen the amazement of the People, the same day they passed and ordered to be printed, a Book called, [*A Declaration of the Parliament of England, expressing the grounds of their late proceedings, and of setting the present Government in the way of a Free State:*] when they formerly passed the 4. Votes for no more Addressees, to our late King, they seconded it with a Declaration, to shew the Reasons of those Votes, wherein they set forth no new matter but what they had formerly in parcels objected against Him; and yet they have since that time made Addressees to him, and both taken and caused others to take the Oaths of Allegiance and Supremacy, and the Protestation & Covenant to defend his person and Authority, &c. And in this Declaration there is no new Objection of moment, but what is contained in the former Declarations against Him, and as I looked upon the first Declaration as a Prologue, so I look upon this last as the Epilogue to His Majesties Tragedy. The whole matter of charge in both of them hath been sufficiently answered in several Books, and either confuted or justified, to which I refer the Reader, whom I will only trouble with some few short Observations of my own upon it: (p. 5.) The Parliament (in imitation of their Masters, the Council of Officers) pretend a necessity to change the fundamental Government into a Free-State, to prevent Tyranny, Injustice, and War, &c. (I doubt rather to promote them.) It affirmeth, (p. 15, 16.) That Offices of Inheritance are forfeited by Breach of Trust;

* 133.

A Declaration of the Commons, to shew the Reasons of their said proceedings. The State is free, but the people Slaves; as a Galley is free, but the Rowers Slaves; 1 part. 71, 73. See these Books, (A full Answer to an Infamous Pamphlet, intituled, A Declaration of the Commons of England.) [The Charge against the King discharged,] (The Royal and Royalists Plea.) (King Charles vindicated, &c.) And his Majesties last Book, or Postscript, and His Maj. Gracious Messages for Peace.

Trust, (a condition annexed to every Office) and seems to imply as much of the Kingly Office: but this Pen-man had forgot, that by the Law the Crown takes away all defects, and the King being Supreme Head and Governour over all Persons, and in all Causes, it were absurd to make Him accountable to any Authority; for in such case that Authority would be Supreme to Him, and so erect two Supremes one jarring and interfering with the other, which in Law and Policy is as absurd as to suppose two Almightyies or Infinities in Divinity, which cannot be, for that one Infinity would terminate another: *Impossibile esse plura Infinite, quoniam alterum esset in altero finitum*, saith Cusanus. (pag. 16.) The Declarers play the Orators in behalf of the felicity of Government by Free States, rather than by Kings and Princes. This is a spacious field to walk in, I will onely cite some learned Authors living in Republicques of a contrary opinion, and send my Readers to them for their Arguments. It applauds the *prosperitie* and good Government of the *Switz*: which (I think was never commended before) a gross-witted People, living in a confused way of Government, where virtue and industry find no reward, the Rich become a daily prey to the poor, and their popular Tribunes, who uphold their credits by calumniating the wealthy, and confiscating [or sequestering] their Estates, the best wealth of this Nation is Pension from Neighbour Princes, to whom they let their Bloud to Hire, and become Mercenaries many times to the extreme damage and (if their Country were worth subduing) danger of the State. For *Venice*, it is an *Aristocracie* (if not *Oligarchy*) of many petty Kings, so burdensome to all their Subjects upon *Terra firma*, that they dare not trust them without *Citadels* to keep them under; they never confide in any of their number or Natives to be Commander in Chief of their Land Forces (fearing to be tyrannized over by a *Cromwell*, or an *Ireton*, or by some property subordinate to them in all but Title. The *Morlachs*, and many Inhabitants of *Dalmatia*, and *Candia*, have lately preferred the *Turkish Government* before theirs. As for the *Low-Countries*, (their neerest example) peruse *Bernaveli's Apologie*, and many good Histories. For *Rome*, from their *Refugium*, they were never free from Civill Warres, ceccessious Tumults, and changes of Government, first to Patritian Consuls, Regia-pote-

See Greg. Tho.
lozanus. l. pol. 1.
Kecherim: Sisse.
ma pol. l. 1. Cons-
genii, l. politic. 1.
à c. 17 ad. c. 25.
Authors quoted
by him.
Macenalis ora-
tionem ad Au-
gustum, apud
Dionem
Cassium.

State; then to promiscuous Consuls (*Plebeyans* as well as *Patritians*) with popular Tribunes to controule them (then to *Decemviri legibus Scribendis*; then to *Tribuni militares consulari potestate*, Dictators upon all speciall occasions, sometimes an *Aristocracy*, sometimes a *Democracie*, between two Factions *Patritian* and *Plebeyan*. And never could that unhappy Idoll of the multitude [*Libertie*] find any time of settled rest and Government untill their giddy Republique was overthrown by *Julius Caesar*, and turned into a *Monarchie* by *Augustus*, which approved *Craetippus* saying, *Vitiosum Reipub: statum exigere Monarchiam*; and then (and not till then) *Rome* came to his height of Glory, and Dominion, and continued so a long time, sometimes empayred by the vices of some Emperors, and sometimes repayred by the virtues of others: he that reads *Livy* and *Tully's* Orations, with many other Authors, shall find how infinite corrupt the People were, both in making and executing Laws, in dispensing Justice both *Distributive*, and *Commutative*; what Complaints, that their *comitia* were *venalia*; what Bulwarks they were fain to erect against the ambition and covetousness of their Great men; *Leges Ambitus*, *leges Repetundarum peculatus*; all to no purpose: the great abuse of Solicitors and Undertakers in every *Trybesto contracte*, for suffrages; the Domestick use of their *Nomenclators*, their *Prehensations*, *Invitations*, *Client ships*; their kissings and shaking hands (even from the greatest Personages) prostituted to every *Cobler* and *Tinker*; their costly publique Shews and spectacles to wooe the Rabble; he that reads observingly shall find that *ambition* and *covetousness* (nurses of all corruption) were the best part of the wisdom and industry of that *Republique* untill it came to be a *Monarchie*, and shall farther find, that those corrupt manners and customs which the People (from the highest to the lowest) had contracted during the severall licentious Alterations of their Common-wealth, from one form of Republique to another: were (like a second nature) not to be corrected by the better discipline of a *Monarchie*, and (at last) occasioned the ruine of that *Monarchie*, together with the desolation of that Nation, which shews, that *Monarchie* (with which their Nation began) was their naturall and genuine Government, when it could not be taken away *sine interitu subiecti*, without the

See some Authorities cited
verbatim in the
first Page.

the ruine of the whole subject matter. (p. 11.) It is said, *It hath been latelie computed, that the Court purveyances* (notwithstanding many good Laws to the contrary) *cost the Countrie more in one year, than their Assesments to the Army; what? above 100000l. a month, when the charge of the KING's House-keeping came but to 50000l. a year: (I speak not of Wages and Pensions) I know not who should make this computation, unless old Sir Hen. Vane, and his Man Cornelius Holland,* (the latter of which was turned out of his Office in the Green-cloth for abusing this Place) not in whose time of employment (unless their own) such prodigious abuses should happen. (p. 19.) It is said, *The legall and justifiable Revenue of the Crown fell short of 100000l. per annum: I perceive this is all the Account the Common-wealth is likely to have from the Committee of the Kings, Queens, and Princes Revenue, nor do I know what a pruning-hook that phrase (legall Revenue) may prove: But I conceived all that Q. Elizabeth, the Kings Father and Himself received, had been His Revenue de jure; I am sure it was de facto, and the Parliament in their Declarations promised, to settle a better Revenue upon Him than any of His Ancestors enjoyed: neither did this, nor any former Parliament complain, that His Purse was grown too full, or His Revenue too fulsome: and if the Committee of the Revenues had enjoyed no more but their own legal and justifiable Revenue, so many of the KING's Servants and Creditors had not starved for want of their own. (p. 19.) They very much aggravate Monopolies, Patente, and Projects: I wonder they suffer so many Men guilty in that kind to sit in their House, old Sir Henry Vane, Sir Henry Myldmay, Sir John Hyssey, Cornelius Holland, Laurence Whystakers, &c. (p. 20.) They speak against the Lords Negative Voice, but not a word against the Councell of Warres Negative Voice, who march up in hostile manner against Parliament and City, and secure, seclude, and drive away 250 Members at one time, if they vote any thing contrary to their Interest. They speak likewise against the Lords Judiciall power over Commoners, but have forgot what unjust and illegal use themselves attempted to make of the Lords jurisdiction against the 11 impeached Members, the 4 Aldermen, and Citizens. (p. 21.) They excuse their receding from their Declaration of April, 1646. (they might*

The Kings Revenue by a medium of 7 years was yearly 700000l.

2 Part of Eng-lands New Chains discovered, &c and the Hunting the Foxes rec- turn to l. 127.

1 Part. sect. 45. 46, 47, 48, 49, 50, 51, 52, 53, 54.

have minded you of a Vote of a later Date, had it made for their turn) for Governing the Kingdom by King, Lords, and Commons. To this it is said, the King nor Lords could take no advantage thereof being a contract they never consented unto, indeed it was never presented to them; but I shall ask whether the people may not take advantage thereof? for whose satisfaction this was Declared, (a generall grudge being then amongst them) that the Parliament and Army would subvert the ancient Fundamentall Government, (p. 22, 23.) They answer an Objection, that these great matters ought to be determined in a full House, not when many Members are excluded by force, and the priviledges so highly broker, and those who are permitted to sit, do act under a force. To this is answered (how truly let any man that hath read our Histories tell) That few Parliaments have acted but some force or other hath been upon them, (I wonder they did not argue thus for the silly Tumult of Apprentices) for Breach of Priviledges of Parliament. They Answer, It will not be charged upon the remaining party, or to have been within their power to prevent it, or repair it, (to this I reply, that it is doubted the remaining party (being the Army party) contrived it in their Junto at Somerset-house: for (p. 23.) it is acknowledged, they called and appointed the Army for their Guard, which was not openly done by a full House: it must be therefore secretly done by a party. See many Reasons for this conjecture before Sect. 24. Farther they say, That the safety of the Kingdom ought to be preferred before priviledge of Parliament; and that if their House had declined their dutie (viz: by not Acting) they had resigned up all to ruine and confusion: from whence should this ruine and confusion come, but from their own Army, which they perpetuate to eat up the Kingdom; and continue their own power and profit? and I wonder they did not use the same moderation after that childish Tumult of Apprentices, but Declared all Acts, &c. passed from 26. July (which day the Tumult began and ended) to the 6. August, null and void. And endeavoured to make the very fitting of the Members and the Citizens obeying to the said Orders (though no Judges of the force) Treasonable: they deny they sit now under a force, the Army being their best friends, called by them for their safety. Indeed it is generally thought the Army and this remnant of the House of Commons, are

are as good Friends and Brethren as *Simeon and Levi, Pilate and Herod* were; and were called to secure the Members and purge the House: yet if the remaining party should Vote contrary to the Dictates of the Councell of War, *Quere*, Whether they will not be used as uncivilly as the secured Members? nay worse, by being called to account, for cousening the State (p. 24.) They say, *There is a cleer consistencie of our Laws with the present Government of a Republique.* I desire to know who by our Law can call or bold a Parliament but the KING? who is, *Principium, Caput, & Finis Parliamenti*? who is the fountain of Justice, Honour, Peace, when we have no King? who is Conservator of the Laws and Protector of the people? where is the Supreme Authority? to Vote it (in their own case) to be in a Representative of 50 or 60 Commons, without legall proofs or precedents is to lead Mens reason captive, as well as their Persons and Estates, (to impose an implicate faith upon Man, not to use discourse and reason against their Votes is to take Man out of Man, to deny him his definition, *Animal rationale*) to whom doth the Subject owe Allegiance? and where is the Majesty of England when there is no King? for all Treason is, *Crimen lese majestatis, contra debitam ligeanciam*. Therefore where (by the known Laws) no Allegiance is, there is no Treason. Lastly, if our present Laws be so consistent with the Republique, I desire to know why they did not Trie the 4 Lords leally at the Common Law by their Peers, and Sir John Owen by a Jury of 12 Men of the Neighbourhood, according to *Magna Charta*, and other good Laws? but were faine to put a Legislative Trick upon them, and erect such a Court for the Triall of them as was never heard of in England before, nor hath no place in our Government. They conclude (p. 26.) *That as they have not intermeddled with the affairs and Government of other States, so (they hope) none will intermeddle with them:* This assertion is as true as the rest, it being well known, that for about 3. years last pass'd they have boasted, That they have many Agents in France, who under colour of Merchandise, vent Antimonarchicall and Anarchicall Tenents, and sow seeds of Popular Liberty amongst the poor Peasants, and Huguenots of France, which they brag prospered well there, their very declared principles and doctrine of their Pulpits and Army

2 Part of Eng-
lands New
Chains, and
the Hunting
the Foxes, &c.

are, That they must break the powers of the Earth in pieces. Monarchy must down all the world over, first in England, then this Army must put over and manumit the Peasants of France, the Boors of Germany, &c. And divers of this party have reported, That they have supplied the Revolters of France with money; their Licenced News-Books are full of this Doctrine, and of many Invektives against the Tyranny of the French King.

134. Such were their proceedings against the King, or rather against Harry Martin's Kingly Government, which was cut off by the same Axe that murdered the King, and was (indeed) first in their intention, though the King and last in execution; as appeareth by Harry Martin's Speech in the Kingly Government. House upon the Debate, *Whether a King, or no King? That if they must have a King, he had rather have had the last than any Gentleman in England?* he found no fault in His person, but in his Office.

135. The King had offended the Papists in the last Treaty, by granting so much to the Parliament for their suppression: The Council of Officers endeavouring to joyn Interests with the Papists in England and Ireland. The Independents perceiving it, and willing to joyn with any Interest to make good their design. It was proposed at the Council of Officers, That the Papists should raise and pay about 10000 Additional Forces for this Army, in recompence whereof, all penal Laws concerning them should be repealed, all Taxes and Contributions taken off, and they to have the protection of this Parliament and Army.

Owen Roe Oneale.

The Popes Nuntio.

Under the same notion they endeavoured to joyn Interests with Owen Roe Oneale, that commanded the bloody party of massacring Irish (with which they had formerly taxed the King) they supplied him with Ammunition, and admitted O'Really, the Popes Irish Nuntio to a Treaty here in England, Sir John Winter was taken into imprisonment, and the Arrears of his Rents gathered for him by Souldiers, to the regret of the Countrey. Sir Kenelme Digbie had a pass to come into England, and came, as was foretold by a Letter from an Independent Agent for the Army, from Paris to an Independent Member of the House of Commons, a creature of the Army, bearing date, 28. Nov. 1648. and printed at the latter end of [The true and full Relation of the Officers and Armies forcible seizing of divers eminent Members, &c. Walter Mountague let forth upon Bail; what becomes of this Negotiation? and whether those that have played fast and loose with

with all Interests in the Kingdom, have not done the like with the Papists? I cannot yet learn.

This Winter, Coals (as well as other things) had been at excessive rates in the City, whereby many poor perished with cold and hunger; what the reason thereof was (besides unreasonable Taxes, Excise, and Souldiers quartering in and neer the City) was diversly disputed: most men imputed the blame to Sir Arthur Haslerigge Governour of Newcastle, who (without any publique Authority) presumed to lay on a Tax of 4^s. a Chaldron upon the Coals there; which is estimated to amount to 50000 l. a year; what use that Money was put to was as variously whiffpered: as likewise what design they had in bringing so pinching a want upon the City? some said, it was to inforce the poorer sort into Tumults, and then to charge the wealthier sort with the crime, and ensnare them; others said, it was to cast an odium upon the PRINCE, as if His Ships had kept in the Colliers.

The 23. March 1648. The Commons ordered, That the Lord Major of London in person be required to publish and proclaim in the City the aforesaid Act for dissolving Kingly Government: and to give an account thereof to the House. The Major refusing this service, was by the Commons called to the Bar, fined 2000l. committed prisoner to the Tower, and outed of his Majoralty; and Alderman Andrews (a man after their own heart) chosen by a few Schismatics in his place.

Ordered by the Commons (upon a report from the Council of State) that Commissioners be appointed to make Sale of the Kings, Queens, and Princes personal estate, upon Inventorie and Appraisal, for satisfaction of all just Debts due to well-affected persons (Viz. Men of their Faction) in this Nation, before the beginning of these Wars: But first 30000l. to be taken out of it for the use of this Summers Fleet, and that it be referred back to the 40 Hogen Mogens, or Council of State to consider what they think fit to be sold, and what they think fit to keep and reserve for the use and furniture of them and their Attendants. Observe, that by that time this gulph is stopped, the whole remainder to be sold for payment of Debts aforesaid, may be written with a Cypher.

I hear the House hath given away the Kings House, Parks and Honour of Eltham to Sergeant Bradshaw, their quondam President.

136.
Scarcity of Coals how occasioned, and why?

137.
The Lo. Major ordered to proclaim in person the Act for abolishing the Kingly Office, and punished for neglect.

138.
The Kings, Queens, and Princes personal Estate ordered to be sold.

139.
Crown Lands shar'd amongst the Godly.

sident. Greenwich to Bulstrode Whitlock. The Lions Skin is now dividing amongst the party. Thus have they killed and taken possession : and the Kings Revenue hath proved as ominous to Him as Naboth's Vineyard was to his Master.

140. This day another Report was made to the House from the Committee of the Army of the particular sums to be Monthly levied in each County, to make up the whole sum of 90000l. Monthly for the Armies of England and Ireland, besides 20000l. for the Army. *per mens.* out of Fee-farm Rents.

30, 31. 1649. 28 March 1649. The Commons in pursuit of the advice given them by Monsieur Paw, and according to the example cited by him of the Low Countries, Ordered, That no Minister in his Pulpit, should meddle with any State affairs : had this been observed from the beginning, these Pulpit-Incendiaries had never kindled a War between the King and Parliament.

141. An Order that no Preacher meddle with State affairs. 142. The 5. Lights of Walton. About the beginning of Lent last, Master Faucet Minister of Walton upon the Thames in Surrey, preached in his Parish Church after dinner, when he came down out of his Pulpit it was twilight; and into the Church came six Souldiers, one of them with a Lanthorn in his hand, and a Candle burning in it, in the other hand they had four Candles not lighted: He with the Lanthorn called to the Parishioners to stay a little, for he had a Message to them from God, and offered to go up into the Pulpit, but the Parishioners would not let him; then he would have delivered his errand in the Church, but there they would not hear him; so he went forth into the Church-yard, the people following him, where he related to them, That he had a Vision, and received a command from God to deliver his will unto them; which he was to deliver, and they to receive upon pain of damnation. It consisted of 5 Lights :

1. That the Sabbath was abolished as unnecessary, Jewish, and meerly ceremonial: And here (quoth he) I should put out my first Light, but the wind is so high I cannot light it.

2. Tythes are abolished as Jewish and Ceremonial, a great burden to the Saints of God, and a discouragement of industry and tillage: And here I should put out my second Light, &c. as aforesaid, which was the burden of his song.

3. Ministers are abolished as Antichristian, and of no longer use now Christ himself descends into the hearts of his Saints, and his Spirit

Spirit enlightheth them with Revelations, and inspirations: And here I should have put out my third Light, &c.

4. Magistrates are abolished as useless, now that Christ himself is in puritie of Spirit come amongst us, and hath erected the Kingdom of the Saints upon earth; besides, they are Tyrants and Oppressors of the Liberty of the Saints, and tie them to Laws and Ordinances, meer humane inventions: And here I should have put, &c.

5. Then putting his hand into his pocket, and pulling out a little Bible, he shewed it open to the People, saying, Here is a Book you have in great veneration, consisting of two parts, the Old and New Testament; I must tell you, it is abolished: It containeth beggarly rudiments, milk for Babes; But now Christ is in Glory amongst us, and imparts a fuller measure of his Spirit to his Saints then this can afford; and therefore I am commanded to burn it before your faces: so taking the Candle out of his Lanthorn, he set fire of the leaves. And then putting out the Candle, cryed, And here my fifth Light is extinguished.

Upon a Report from the Councell of State, the Commons Voted void the Earle of Warwick's Commission for Admirall, and appointed three Commissioners to have and execute the Admirals Place, with 3l. a day a piece; a Commission for Martiall Law, and Land Souldiers aboard to keep under the Sea-men, The three Admirals are, Col. Edw: Popbam, Col. Rob: Blake, and Col. Deane.

143.
The Earle of
Warwick's
Commission
recalled; and
3 Admirals
appointed.

Sunday after Easter-day, six Preachers militant at White-hall tried the patience of their Hearers; one calling up another successively: at last the Spirit of the Lord called up Oliver Cromwell, who standing a good while with lifted up eyes, as it were in a trance, and his neck a little inclining to one side, as if he had expected Mahomet's Dove to descend and murmur in his eare; and sending forth abundantly the groans of the Spirit, spent an hour in prayer, and an hour and an half in a Sermon. In his prayer he desired God to take off from him the Government of this mighty People of England, as being too heavy for his shoulders to bear: An audacious, ambitious, and hypocriticall imitation of Moses. It is now reported of him, that he pretendeth to Inspirations; and that when any great or weighty matter is propounded, he usually retireth for a quarter or half an hour, and

144.
Cromwell turn-
ed Preacher.

then returneth and delivereth out the Oracles of the Spirit: surely the Spirit of John of Leyden will be doubled upon this Man.

145.
The last Re-
treat of the
Faction by
H. Martins
report.

About this time the Palgrave took his leave of the Parliament being much courted and complemented by them, and his 8000*l.* per annum with all Arrears confirmed to him: since his departure Harry Martin (in a jolly humour) was heard to say, If the worst hapned, and that they should not be able to stand their ground in England, yet the Palgrave would afford them a place of retreat in the Palatinate; the seeds of these Anarchicall, Anabaptistickall humours (upon the reducing of Munster) spread themselves in England, and now have a mind to return into Germany to kindle a fire there.

146:
Mr. Lilburn's
third Book,
called, (The
Picture of the
Councell of
State.)

About this time John Lilburn, and his Company, set forth a Book, called, [The Picture of the Councell of State, &c.] wherein they set forth the illegall and violent proceedings of the said Councell against them in seizing upon them with armed Bands of Souldiers, and interrogating them against themselves, &c. (where they have these words) The Faction of a Traiterous Party of Officers of the Army hath twice rebelled against the Parliament, and broke them in pieces, and by force of Armes culled out whom they pleased, and imprisoned divers of them, and laied nothing to their charge; and have left onely in a manner a few men, (besides 11 of themselves, viz: the Generall, Cromwell, Ireton, Harrison, Fleetwood, Rich, Ingolshy, Hazelrigge, Constable, Fennick, Walton, and Allen Treasurer) of their own Faction behind them, that will (like Spaniel dogs) serve their lusts and wills; yea, some of the chiefest of them, viz: Ireton, Harrison, &c. yea, Mr. Holland himself stiled them, a Mock Parliament, a Mock power, at Windsor; yea, it is yet their expressions at London: And if this be true that they are a Mock-power, and a Mock Parliament, then *Quare*, Whether in Law or Justice (especially considering they have fallen from all their many glorious promises, and have not done any one action that tends to the universall good of the people) can those Gentlemen sitting at Westminster in the House (called, the House of Commons) be any other than a factious company of Men, frayerously combined together with Cromwell, Ireton, and Harrison, to subdue the Laws, Liberties, and Freedoms of England, (for no one of them protests

protests against the rest) and to set up an absolute and perfect tyranny of the Sword, will, and pleasure, and absolutely intend the destroying the Trade of the Nation, and the absolute impoverishing the people thereof, to fit them to be their Vassals and Slaves. And again, the three forementioned Men, viz: *Cromwell, Ireton, and Harrison*, (the Generall being but their stalking horse, and a cypher) and their trayterous Faction, having by their wills and Swords got all the Swords of *England* under their command, and the disposing of all the great Places in *England* by Sea and Land, and also the pretended *Law making* power, and the pretended *Law executing* power, by making among themselves (contrary to the Laws and Liberties of *England*) all Judges, Justices of Peace, Sheriffs, Bayliffs, Committee-men, &c. to execute their wills and tyranny, walking by no limits or bounds but their own wills and pleasures, and trayterously assume unto themselves a power to leavy upon the people what money they please, and dispose of it as they please, yea, even to buy knives to cut the peoples throats that pay the money to them, and to give no account for it till Dooms-day in the afternoon; they having already in their wills and power to dispose of the Kings, Queens, Princes, Dukes, and the rest of the Childrens Revenues; Deanes and Chapters Land, Bishops Lands, Sequestred Delinquents Lands, Sequestred Papists Lands, Compositions of all sorts, amounting to Millions of money, besides Excise and Customes; yet this is not enough, although (if rightly husbanded) it would, constantly pay above one hundred thousand men, and furnish an answerable Navy thereunto: But the people must now after their Trades are lost, and their Estates spent, to procure their Liberties and Freedoms, be Assessed about 100000*l.* a Moneth, that *Master Boon* a Member of the House, lately a Tapster, hath 6000*l.* given so they may be able like so many Cheaters and State-thieves, to give six, eight, ten, twelve, fourteen, sixteen thousand pounds a piece over again to one another, (as they have done already to divers of themselves) to buy the Common-wealths Lands one of him. another, (contrary to the duty of Trustees, who by Law nor equity, can neither give nor sell to one another) at two or three years *Sir Arth: Hazelrig* 3 great Manours, Bishops-*Ankland, Everwood*, and another *Col. Berkstead* (the pitifull Thimble and Bodkin Gold-smith) bought as much Bishops Lands as cost 10000*l.* at two or three years purchase, and hath already raised his money.

Purchase, (the true and valuable rate considered) as they have already done, and to give 4 or 5000l. per annum, over again to King Cromwell, as they have done already out of the Earl of Worcesters Estate, &c. besides about 4 or 5 l. a day he hath by his Places of Lieu. General, and Colonel of Horse in the Army; although he were at the beginning of this Parliament but a poor Man; yea, little better than a Beggar (to what he is now) as well as others of his Neighbours.

147.
A Petition in
behalf of *Is:
Lilburn* and his
company.

2. *Aprill 1649.* A Petition subscribed by divers Persons in behalf of *John Lilburn* and his company, was presented to the Commons, wherein (amongst other things) are contained these three just demands:

1. That no man be censured, condemned, or molested, but for the breach of some Law first made and published to the People, whereby is avoided that uncertainty and howlerly hazard that otherwise every man is subject to, both in respect of his Estate, Liberty, and Life.

2. That every crime have not onely its penalie annexed, but together therewith the manner and method of proceedings ascertained.

3. That the execution of Laws be referred to ordinary Magistrates and Officers by Law deputed thereto, and that the Military power be not used, but where the Civil is so resisted, as that of its own strength it is deficient to enforce obedience.

148.
Itinerant Mi-
nisters, an in-
vention to un-
dermine our
Orthodox se-
cted Ministers,
and infect the
people with
Schismes and
Anarchicall
principles, su-
perfluous to the
many-headed
tyranny of the
Grandees.

Aprill 12. 1649. It was referred to a Committee to consider of a way how to raise Pensions and Allowances out of Deans and Chapters Lands to maintain supernumerary Itinerant Ministers, who should be Authorized to go up and down compassing the earth, and adulterate other Mens Pulpits and Congregations, and put affronts and raise factions and scandals upon such orthodox and conscientious Ministers (in order to their Sequestration) as cannot frame their Doctrine to the damnable practices and Anarchicall principles of the times. These wandering Apostles are to preach Antimonarchicall seditious doctrine to the people, (superfluous to that they call the present Government) to raise the rascall multitude and schismaticall rabble against all men of best quality in the Kingdom, to draw them into Associations and Combinations with one another in every County, and with the Army against all Lords, Gentry, Ministers, Lawyers, rich and peaceable men, and all that are Lovers of the old Laws and Government.

vernment, for the better rooting of them out, that themselves alone may inhabit the earth, and establish their new tyranny or Kingdom of the Saints upon the ruins of our ancient Monarchy. These men (like *Balaam*) shall bless and curse for hire, and vent State-news, State-doctrine, and poison the people with such changeable and various principles as from time to time shall be dictated to them by those Pseudo-politicians as now sit at the Helm; they shall couse the people with pretended Illuminations, Revelations, and Inspirations, and pour out all the Vials of Gods wrath amongst them.

Cromwel and *Ireton* and their Faction, having formerly deluded all the Interests and Parties of this Kingdom, were arrived to that height of impudence as to endeavour to cheat them all over again, they had by murdering the King, abolishing the House of Lords, putting an execrable force upon the far major part of the House of Commons, making themselves and their Party a tyrannical Council of State to usurp the Supreme power and Government, endeavouring a Toleration of all Religions, attempting to take away Tithes, mocking and then tyrannizing over that part of the Army they please to miscall *Levelers*, distracted and discontented all Parties within the Kingdom, and stirred up all the Princes of Christendom to defend the common Interest of Kings, now controverted in *England*. This cloud threatened to pour down a new War upon them; to provide a remedy therefore for this sore, *Cromwel* moved in the House of Commons, That the Presbyterian Government might be settled, promising his endeavors thereto; but whether he meant a Classical or Congregational Presbytery (which differs little or nothing from Independency) he did not declare: and hereby the fallacy; he likewise moved, That the secured and secluded Members might again be invited into the House: they sent their Agents both Laymen and Ministers (amongst whom *Mr. Marshall*, *Nye*, *Carrell*, *Goodwin*, and *Hugh Peters* were chief) to cajole and decoy the Ministers, Citizens, and the expelled Members, with discourses and propositions, they told them, The Presbyterians had differed from the King in point of civil Interest, which was more irreconcilable than that Interest of Church-Government, whatsoever shew was made to the contrary, (They

149.

A fraudulent Reconciliation and uniting of Interests attempted with a mock-fast for that purpose.

See a Paper, called, Arguments against all Accommodation between the City of London, and the engaged Grandees of the Parl. and Army; And A seasonable Caution to the City of London? printed at the latter end of Relations and Observations, Hist. and Pol. &c.

will not endure to hear of the KING's exemplary patience and Christian charity to all; nor of His precepts and strict injunctions to His Son of clemency and abstinency from revenge, contained in His last Book, [*The Portraiture of His Majesty.*] These things will both apologize for our young King, and condemn our bloody vindictive Saints.) That the Presbyterians as well as the Independents made War against the late King, brought Him low, and prepared Him to receive his late deadly Blow from the Independents, and therefore the King would look upon both parties as equally guilty, and was deeply engaged in point of Interest to cut off both Parties: Endeavouring by these discourses to put the Presbyterians into despair (their own and *Judas's* sin) and then to work upon that base and cowardly principle of *self-preservation*, and invite them to joyn with them in point of civil Interest and common Defence. But their kindness was but like that of a malicious Man, who having plague-sores upon him, embraceth his friend rather to infect than cherish him: they know that by sitting, voting, acting, and complying with them, (whose actions the Laws of God and the Land have damned and anathematized with the highest condemnation) they should contract the guilt of all their forepassed crimes and treasons; in the mean time the Presbyterians should sit and act but as a suspected Party, and should be baffled and turned out again when the danger is past; the Independents keeping in their own hands all the power, profits and preferments of the Land, and using the Presbyterian party but as *Gibeonites*, *Hewers of wood*, and *Drawers of water* under them; they invited them therefore to share with them in their sins, shame, and punishments, but would keep *Achans* Wedge and the *Babylonish* garment (the profit of their crimes) to themselves: And (as if it were not sufficient to couzen Man without mocking God) the House of Commons Ordered a strict Fast to be kept upon Thursday, 19 April 1649. as a day of Humiliation to implore Gods forgiveness for the ingratitude of the people, who did not sufficiently acknowledge with thankfulness Gods great mercies upon this Land in freeing them from Monarchie, and bestowing liberie upon them, by changing Kingly Government into a Free-State or Republique. The Faction knew that to partake with them in these prayers,

was

was to partake of their sins. God deliver us from those deceitful lips, whose prayers are snares, whose kisses prove curses, and whose devotion leads to damnation : Never was Fast injoyed with more severity, nor neglected with more contempt and horror ; men shunning it like the sins of Rebellion and Witchcraft. Besides, their Consciences told them, *that they never suffered the thousandth part of the oppressions they now groan under.*

About this time it was debated to send supplies for Ireland ; the predominant Grandees were desirous to purge the Army (as they had done the House) and send the Levellers (Assertors of Liberty) thither : the Levellers were desirous to keep their ground here, and send the more mercenary enslaving and enslaved part of the Army ; the better to colour the design, Cromwell undertook to be Conductor of this expedition, and light them the way into Ireland with his Illuminated Nose ; having taken Order before hand that his precious self should be recalled time enough to keep up his party in England from sinking by his longer absence, and the better to accommodate the business, Lots were several times cast what Regiments should go ; but the Lots not falling out to the minds of the General Council of Officers, they cast Lots again and again, untill fortune agreed with their desires : This being discovered, a printed Paper was scattered about the streets, 26. April, 1649. as followeth :

ALL worthy Officers and Souldiers who are yet mindfull that you engaged not as a meer mercenarie Armie, hired to serve the Arbitrarie ends of a Council of State ; but took up Arms in Judgment and Conscience in behalf of your own, and the peoples just Rights and Liberties, you may see plainly by the proceedings of Col. Hewson with his Regiment, that the design of your grand Officers is, to reduce the Army to a meer mercenary and servile temper, that shall obey all their commands, without so much as asking a question for Conscience sake. Intending by this blind obedience in you to make you be whatsoever they shall find requisite to establish their own absolute power over the Commonwealth, yea, though it be to cut off your best friends, or perpetuate this their own Parliament and Council of State, things so evidently destructive to your own and the peoples just Rights and Liberties as nothing can be more.

And

And for compassing whereof, you know they have long since dissolved the Agitators, and erected a Council amongst themselves, by which they have moulded the Parliament and a Council of State to their own wills; both which, are to be as a screen between the People and your Grandees, to make the world believe, they do nothing but by Order of Parliament, and Council of State, when they order all things themselves; and indeed are confederated together to defend and protect each others in their defrauding and enslaving the Commonwealth.

This they have long aimed at, but cannot possibly effect it, untill they reduce the Army to a servile and base temper, which they have been laboring to bring to pass a long time; as by picking quarrels with most Officers and Souldiers, that have manifested any sence of Common Right, and so vexing them and wearying them out of Troops and Companie. And (you know) they have bin more than once disbanding twenty of a Troop, upon pretence of easing the publike charge all their mischief being ever done, after either fasting and prayer, or upon some very specious pretence; but the care and resolution of the honest Officers and Souldiers ever prevented this.

But now the business for Ireland (it seems) must doe the deed; that being a service that must be preferred before the setting of the Liberties and Freedoms of this Nation; and all that are not for this service must be esteemed no better than Enemies and Traitors; and therefore an Ahab-like Fast goeth before the Lots are cast: And Col. Hewson falls to worke and disbands all those Souldiers and Officers that refused to engage for the service of Ireland, before the Liberties of England (which we never trod under foot) be restored to the people.

The end of this being to be a leading case to all other Regiments both Horse and Foot; not that they certainly intend for Ireland, but by such means to be rid of all such as are apt to desire to be satisfied in their Consciences of the justice of the Cause before they engage in the killing and slaying of men any more; or before they see some fruits answerable to the blood that hath been spilt.

And being rid of this kind of Officers and Souldiers, then to fill the Regiments as this Hewson doth, with such ignorant, needy, or servile men, as these miserable times (through loss of Trade) have begotten.

And this being done, then to make more strict enquiry after this sort

sort of People in the Army, and all other places, suppress meetings, and if that will not doe, then to disarm all from whom they suspect the least repining or opposition.

And therefore all those Officers and Souldiers, and all people in all places are concerned in a very high nature, even as much as the freedom of the Nation is worth; yea, as they tender the good of their Wives, Children, Families and Posterity, to venture their lives and all they have to make opposition against this the greatest mischief that ever was attempted, the greatest Treason that ever was committed against the liberties of the People: and not to stand any longer in a mix-maze between hope and feare; for if this designe take place, your great Officers and their Confederates in Parliament and Councel of State, will be as so many Kings, Princes and Lords, and your selves, and all the people, their Slaves and Vassals.

Therefore keepe every man his place and post, and stir not, but immediately chuse you a Councel of Agitators once more to judge of these things; without which we shall never see a new Parliament, or ever be quit of these intolerable burdens, oppressions, and cruelties, by which the people are like to be beggered and destroyed.

About this time Master Robert Lockier, and five or six other Troopers of Captaine Savages Troop were condemned for a supposed mutiny; in behalf of whom Lieut. C. John Lilburne writ this Letter following to the General, dated 27. April, 1649.

May it please your Excellency,

WE have not yet forgot your Solemne Engagement of June 5. 1647. whereby the Armies Continuance as an Army was in no wise by the will of the State, but by their owne mutuall Agreement: And if their standing were removed from one Foundation to another, (as is undeniable) then with the same they removed from one Authority to another; and the Ligaments and Bonds of the First were Dissolved, and gave place to the Second; and under, and from the head of their first Station, viz: By the Will of the State, the Army derived their Government by Martiall Law, which in Judgment and Reason could be no longer binding then the Authority (which gave being thereto) was binding to the Army: For the deniall of the Authority,

1649.
M. Lockier
condemned by
a Councel of
Warr, with
his honour-
able death and
burial: and
Lilburns Letter to the General.

is an Abrogation and Nullment of all Acts, Orders, or Ordinances by that Authority as to them: And upon this Account, your Excellency with the Army, long proceeded upon the Constitution of a new Council and Government, contrary to all Martial Law and Discipline, by whom only the Army engaged to be Ordered in their prosecution of the Ends; to wit, Their several Rights, both as Souldiers and Commoners, for which they associated; Declaring, Agreeing, and Promiting each other, not to Disband, Divide, or suffer themselves to be Disbanded or Divided, without satisfaction and security in relation to their Grievances and Desires in behalf of themselves and the Common-wealth, as should be agreed unto by their Council of Agitators: And by vertue, and under colour of this Establishment, all the Extraordinary Actions by your Excellency, your Officers, and the Army have past: Your refusal to disband, disputing the Orders of Parliament: Impeachment and Ejection of Eleven Members; your first and second march up to *London*; your late violent Exclusion of the major part of Members out of the House, and their Imprisonment without cause, &c. which can no way be justified from the guilt of the highest Treason, but in the accomplishment of a righteous end, viz. The enjoyment of the benefit of our Lawes and Liberties which we hoped long ere this to have enjoyed from your hands: Yet when we consider and herewith compare many of your late carriages both towards the Souldiery, and other free people, and principally your cruell Exercise of Martial Law, even to the Sentence and Execution of Death upon such of your Souldiers as stand for the Rights of that Engagement, &c. And not onely so, but against others not of the Army; we cannot but look upon your defection and Apostacy in such dealings, as of most dangerous Consequence to all the Laws and Freedoms of the People.

And therefore, although there had never been any such solemn Engagement by the Army, as that of *June 5. 1647.* which with your Excellency in point of duty ought not to be of the meanest obligation. We do protest against your Exercise of Martial Law, against any whomsoever, in times of Peace: where all Courts of Justice are open, as the greatest encroachment upon our Lawes and Liberties that can be acted against us; and particularly, against
the

the Tryall of the Souldiers of Captaine *Savages* Troop yesterday, by a Court Martial, upon the Articles of Warre, and sentencing of two of them to death; and for no other end (as we understand) but for some dispute about their Pay: And the reason of this our Protestation, is from the *Petition of Right*, made in the third yeare of the late King, which declareth, *That no person ought to be judged by Law Martial, except in times of Warre; And that all Commissions given to execute Martial Law in time of Peace, are contrary to the Lawes and Statutes of the Land.* And it was the Parliaments complaint, That Martial Law was then Commanded to be executed upon Souldiers for Robbery, Mutiny, or Murder. Which *Petition of Right* this present Parliament in their late Declarations of the 9. of *February*, and the 17. of *March*, 1648. commend as the most excellentest Law in *England*, and there promise to preserve inviolably, it, and all other the Fundamental Lawes and Liberties, concerning the preservation of the Lives, Properties, and Liberties of the People, with all things incident therunto. And the Exercise of Martial Law in *Ireland*, in time of Peace, was one of the chiefeft Articles for which the E. of *Strasford* lost his Head: The same by this present Parl. being judged High Treason. And the Parliament it self, neither by Act nor Ordinance, can justly or warrantably destroy the Fundamental Liberties and Principles of the Common Law of *England*: It being a Maxim in Law and Reason both, that all such Acts and Ordinances, are *ipso facto*, null, and void in Law, and binds not all, but ought to be resisted and stood against to the death. And if the Supreme Authority may not presume to do this, much lesse may You, or Your Officers presume thereupon; For where Remedy may be had by an ordinary course in Law, the Party greived shall never have his recourse to extraordinaries. Whence it is evident, That it is the undoubted Right of every Englishman (Souldier, or other) that he should be punishable onely in the ordinary Courts of Justice, according to the Lawes and Statutes of the Realme in the times of Peace, as now it is; and the extraordinary way by Courts Martial, in no wise to be used.

Yea, the Parliaments Oracle, Sir *Edward Cooke*, Declares in the third part of his *Institutes*, Chap. of *Murder*, *That for a General or other Officers of an Army, in time of Peace to put any man, al-*

though a Souldier, to death, by colour of *Martial Law*, it is absolute murder in that General, &c. Therefore erecting of Martial Law now, when all Courts of justice are open, and stopping the free current of Law, which sufficiently provides for the punishment of Soldiers as well as others, as appears by 18. H. 6. c. 19. 2 & 3 E. 6. c. 2. 4 & 5 P. & M. c. 3. & 5 El. 5 & 5 Jam. 25. is an absolute destroying of our Fundamental Liberties, and the razing of the Foundation of the Common Law of *England*; the which out of Duty and Conscience to the Rights and Freedoms of this Nation (which we value above our lives) and to leave You and Your Council without all excuse, we were moved to represent unto Your Excellency, Earnestly pressing You, well to consider what You do, before you proceed to the taking away the lives of those men by Martial Law, least the blood of the Innocent (and so palpable Subversion of the Lawes and Liberties of *England*) bring the reward of just vengeance after it upon You, as it did upon the Earle of *Strafford*: For Innocent blood God will not pardon; and what the people may do (in case of such violent Subversion of their Rights) we shall leave to Your Excellency to judge, and remaine

Sir;

From our Causeless, and unjust,
and Tyrannical Captivity,
in the Tower of London,
April 27. 1649.

Your Excellencies
humble Servants,
JOHN LILBURNE.
RICH. OVERTON.

Notwithstanding which Letter, and much other meanes made, the said *Lockier* was Shot to Death in *Saint Pauls Church-yard* the same day, to strike a terror and slavish feare into such other Souldiers as shall dare to take notice of their approaching slavery; but his Christian and gallant deportment at his death, with the honourable funerall pomp accompanying him to his Grave turned all the terror of his Tragedy into hatred and contempt of the Authors thereof.

152.
Arreares given
to Col. A. Pop-
ham, & H. Mar-
tin, & tempta-
tions put upon
Lilburne and
Joyce.

About this time the House of Commons gave to Col. *Alexander Popham* all his Arreares, and to *Harry Martyn* 3000. to put him on upon the holy Sisters, and take him off from the Levellers: And *Cromwell* is now playing the Devils part, shewing the Kingdomes

Kingdomes of the earth, and tempting *John Lilburn* to fall down and worship him, to forsake his good principles and engagements, and betray the liberties of the people, but *L. Col. Lilburne* is higher seated in the good opinion of the People than to be suspected of so much baseness, who are confident he will as constantly resist false promises and vain hopes, as he hath vain threats and terrors of Indictments, and not cast away the hold he hath of immortality, by hearkning to such a Syrene whose promises are but baits with a hook hidden under them, and his preferments but like *Mahomets* paradise; he that hath coufened all the Interests of the Kingdome will not scruple to cheat his enemy, a free-spirited plaine meaning man. This is to undermine and blow up his credit with his party, and make him liable to a revenge hereafter: He that stoops to the lure of a known enemy is guilty of inexcusable folly, and a Traytor of himselfe, especially having had so faire a Copie of Contiancy set him by *Coronet Joyce*, who hath with much faithfulness resisted the like allurements, and so foule a Copy of Inconstancy by *Reynolds*.

The Commons have ordered, *That upon Complaint made to any Judge of the three Benches, the Judges shall send a Letter of Summons to each Member of their House as shall be complained of, to give an appearance, and submit to legal proceedings, otherwise his person to be liable to Arrests.* But our present Judges are Creatures to the House of Commons, and know before-hand what Members are *Babes of Grace* in favour, and must be privileged; and who are out of favour, and must not be privileged; they have an *Index* tells them when to grant, and when to deny, *Sinners* must not be partakers of the same Laws with *Saints*: This is a Whip and a Bell to drive such dogged Members out of the Hall as will not hunt in pack with the *Grandeers* in pursuit of their designe, and are quick-scented enough to smell out their Knavery, if they come too near their door: It is thought the tyrannical *Hocas Pocasses* had an aime hereby to lash *Harry Martin* off from the Levellers, and make him come in to them.

About this time some thousands of well-affected Women of *London, Westminster, Southwarke*, and the *Hamlets*, stormed the House of Commons with two Petitions in behalf of *Jo. Lilburne* and his Company: They complain of the *Council of States* violation of his Com-
 153. The design of making Members of Parliament liable to Arrests.
 154. Women Petition the House for *L. Col. Lilburne* and his Company.

lent and illegal proceedings against them, in seizing them in the night by Souldiers, of Lockiers being shot to death by Martial Law; of their Arbitrary Government, Taxes, Excise, Monopolies, &c. That there was a designe to fetch Lilburne and his Fellow Prisoners out of the Tower at midnight to White-hall, and there murder them; That the House by Declaring the Abettors of the Book laid to those Prisoners charge Traytors, have laid a snare for people; when as hardly any discourse can be touching the affaires of the present times but falls within the compasse of that Book; so that all liberty of discourse is thereby utterly taken away, then which there can be no greater slavery.

Second part of
Englands new
Chaines discov-
ered.

They received not so good Answers to these Petitions as they were wont to receive, when they had Money, Plate, Rings, Bodkins, and Thymbles to sacrifice to these Legislative Idols, they were bid, *Go home and wash their dishes*; to which some replied, *They had neither Dishes nor Meat left.*

155.
Observations
upon the Com-
mons Answer
to those that
petitioned for
Lilburne, &c.

Note that the Commons have returned answer to some Petitioners, that *Lilburne shall be Legally Tried by Laws preceding the fact*, and yet by their Order, 11. April, 1649, it is Ordered, *That the Attorney General be required to take speedy course for prosecution of Lieu. Col. John Lilburne, &c. in the Upper Bench this Terme, upon the Declaration of this House touching the Book, intituled (The second part of Englands new Chaines discovered.)* if this Order be not a Law and preceding the fact too, then our suprene Saints have told a Legislative Lie. In the latter end of the said Answer they are angry the Petitioners should discover so much of their baseness, That *Cromwell* and *Ireton* rides them, and therefore (contrary to all mens knowledge, and their owne Consciences) they terme those Intimations, seditious Suggestions; and Ordered, that *Cromwell* and *Ireton* should draw up a Declaration to prevent the people from being mis-led by Sowers of sedition; such are the degenerate Spirits of under-Tyrants, who are Asses to their Superiors, and Lyons to their Inferiors: *Cromwell* and *Ireton*, that have subverted all civill Authority, murdered the KING, possessed themselves of what they please, and enslaved the Kingdome with a Military tyranny, must draw up a Declaration according to their fancy, for their owne vindication, and the Commons must Father the Bastard and set the stamp of their

Humiliter Servi-
unt, aut super-
be dominantur.

their Authority and priviledge upon it, least any man should confute it, and beat back the Authors lies into their throats. But this is no new invention, for formerly when the Council of Officers set forth their Answer to the House of Commons Demands concerning their secured Members; *Cromwell* and *Ireton* caused their Journey-men of that Conventicle to Vote, *That the House did approve the matter of the said Answer*; therby owning all the grosse lies therein contained to deterre the imprisoned Members from replying to it, and so by a tacite confession to acknowledge themselves guilty.

About this time appeared out of the East a New Light in our Horizon, the *Alchoran* of *Mahomet* (Predecessor to *Cromwell*) and *Sergius* (forerunner of *Hugh Peters*) naturalized and turned English. Now the Jewes (Professed Enemies to Christ (which *Mahomet* is not) are accepted of) it is beleived that their *Thalmude* and *Caball* will shortly be made English too, that this Island may be rendred a compleat Pantheon, a Temple and Oracle for all Gods and all Religions; our light-headed innovating People being like Reeds as apt to be shaken by, and bend unto every wind, every breath of pretended Inspiration, as the antient Arabians were.

May 1. 1649. The frighted Conventicle of Commons considered of an Act (forsooth) to fortifie themselves and their usurpations with a Scar-crow of new-declared Treasons, to the purpose following.

1. *If any man shall maliciously* (this is a word of qualification, back-door to let out such as they shall think fit) *Affirme the present Government to be tyrannical, usurped, or unlawfull, or that the Commons in Parliament, are not the supreme Authority of the Nation, or endeavour to alter the present Government.*

2. *If any affirme the Councel of State or Parliament to be Tyrannical, or unlawfull, or endeavour to subvert them, or stirre up sedition against them.*

For Souldiers of the Army to contrive the death of the Generall, or Lieutenant Generall, or endeavour to raise mutinies in the Army, or to leavy Warre against the Parliament to joyne with any to invade England or Ireland, counterfeit the Great Seale, kill any Member of Parliament, or Judge, or Minister of Justice in their duty: All or no?

these.

Ireton penned this scandalous Answer of the said Officers.

156.
The Turkish Alchoran taught to speak English.

157.
New-declared Treasons to defend tyranny and usurpation, and ensnare the People.

Quere, whether Cromwell be Lieutenant General.

these several cases to be Declared, *Treason*. You see the terrors of *Caine* pursue these guilty Cowards.

This Fools Bolt is chiefly aymed at the honest *Levellers*; this *Junto* of Commons have made themselves *legal Traytors* already, and would now make all the Kingdome *legislative Traytors*. but I hope none of those that arrogate the Reverend Title of *Judges of the Law* (although against Law) will be so lawlesse as to give Sentence of Death upon any such illegal Act of the House of Commons; nay, this very Act denounceth slavery and bondage to the Nation, and therefore is an Act of the highest tyranny, and a snare.

158.
The Levellers
Randezvouz
in Oxfordshire.

May 6. 1649. The honest Levellers of the Army, (for that is the Nick-name which *Cromwell* falsely and unchristianly hath christned them withal) Enemies to Arbitrary Government, tyranny and oppression, whether they finde it in the Government of one or many? whether in a Councel of Officers, a Councel of State, or a sag end of a House of Commons? whether it vaile it selfe with the Title of a Supreme Authority, or a Legislative power?) drew together to a Randezvouz about *Banbury* in *Oxfordshire*, to the number of 4000 or 5000. others resorting to them dayly from other parts. This gave an Alarme to our Grandees, fearing the downfall of their domination. *Cromwell* (not knowing what Party to draw out against them, that would be stedfast to him) shunned the danger, and put his property the General upon it to oppose the Randezvouz, and (looking as wan as the guilles of a sick Turkey-cock) marched forth himself Westward, to intercept such as drew to the Randezvouz. In the meane time the said Levellers printed and published this ensuing Paper, entituled.

Englands Standard advanced : or . A Declaration from Mr. Will. Thompson, and the oppressed People of this Nation, now under his conduct in Oxfordshire.

Dated at their Randezvouz, May 6. 1649.

WHereas it is notorious to the whole world, that neither the Faith of the Parliament, nor yet the Faith of the Army formerly made to the people of this Nation,

in

in behalf of their Common Right, Freedom, and Safety) hath bin at all observed, or made good, but both absolutely declined and broken, and the people only served with bare words and faire promising Papers, and left utterly destitute of all help or delivery: And that this hath principally been by the prevalence and treachery of some eminent persons (now domineering over the people) is most evident. The Solemn Engagement of the Army at New-market, and Triploe-heaths by them destroyed, the Council of Agitators dissolved, the blood of Warr shed in time of Peace, Petitioners for Common Freedom suppressed by force of Arms, and Petitioners abused and terrified, the Lawful Trial by 12. sworn men of the Neighbourhood subverted and denied, bloody and tyrannical Courts (called an High Court of Justice, and a Council of State) erected, the power of the Sword advanced and set in the Seat of the Magistrates, the Civil Lawes stopt and subverted, and the Military Introduced, even to the hostile seizure, imprisonment, trial, sentence, and execution of death, upon divers of the Free people of this Nation, leaving no visible Authority, devolving all into a Factionous Juncto and Conncel of State, usurping and assuming the name, stamp, and authority of Parliament, to oppress, torment and vex the People, whereby all the lives, liberties, and estates, are all subdued to the Wills of those Men, no Law, no Justice, no Right or Freedom, no Case of Grievances, no removal of unjust barbarous Taxes, no regard to the cries and groans of the poore to be had, while utter beggery and famine (like a mighty torrent) hath broken in upon us, and already seized upon several parts of the Nation.

Wherefore through an unavoidable necessity, no other means left under Heaven, we are enforced to betake ourselves to the Law of Nature, to defend and preserve our
Z selves

Selves and Native Rights, and therefore are resolved as one Man, (even to the hazard and expence of our Lives and Fortunes,) to endeavour the Redemption of the Magistracy of England, from under the force of the Sword, to vindicate the Petition of Right, to set the unjustly imprisoned free, to relieve the poore, and settle this Common wealth, upon the grounds of Common Right, Freedome, and Safety.

Be it therefore known to all the free people of England, and to the whole world, that (chusing rather to die for Freedome, then live as Slaves) We are gathered and associated together upon the bare Account of Englishmen, with our Swords in our hands to redeem our selves and the Land of our Nativity, from slavery and oppression, to avenge the blood of Warr shed in the time of Peace, to have Justice for the blood of M. Arnold, shot to death at Warre, and for the blood of M. Robert Lockier, and divers others who of late by Martial Law were murdered at London.

And upon this our Engagement in behalf of the Commonwealth, We do solemnly agree and protest, That we will faithfully (laying all self-respects aside,) endeavour the actual relief and settlement of this distressed Nation.

And that all the world may know particularly what wee intend, and wherein particularly to center and acquiesce forever, not to recede or exceed the least punctilio. We do declare from the integrity of our hearts, that by the help and might of God we will endeavour the absolute settlement of this distracted Nation, upon that Forme and Method by way of an Agreement of the people, tendered as a peace-offering by Lieuten. Collonel John Lilburne, Mr. William Walwyn, Mr. Thomas Prince, and Mr. Richard Overton, bearing date May 1. 1649. the which we have annexed to this our Declaration as the Standard of our
Engage-

Engagement, thereby owning every part and particular of the Premises of the Agreement, promising and resolving to the utmost hazard of our Lives and Abilities, to pursue the speedy and full accomplishment thereof, and to our power, to protect and defend all such as shall Assent or Adhere thereunto: And particularly, for the Preservation and Deliverance of L. Col. John Lilburn, M. Will. Wallwin, Mr. Thomas Prince, Mr. Richard Overton, Captain Bray, and Mr. William Sawyer, from their barbarous and illegal Imprisonments: And we Declare, That if a haire of their heads perish in the hands of those Tyrants that restrain them, That if God shall enable us, we will avenge it seventie times seven fold upon the heads of the Tyrant themselves and their Creatures.

And that till such time as by Gods Assistance we have procured to this Nation the Declared purpose of this our Engagement, we will not Divide nor Disband, nor suffer our selves to be Divided or Disbanded, resolving with sobernesse and civility to behave our selves to the Countrey, to wrong nor abuse any man, to protect all to our power from violence and oppression in all places where we come; resolving to stop the payment of all Taxes or Sessements whatsoever, as of Excise, Tythes, and the Tax of Ninety thousand pounds per menssem.

And having once obtained a New Representative, according to the said Agreement, upon such Terms and Limitations therein expressed: We shall then freely lay down our Armes, and return to our several Habitations and Callings.

And concerning the equity, necessity, and justice of our undertaking, We appeal to the judgment of the oppressed, betwixt their Destroyers and Us; Whether by the Law of God, of Nature, and Nations, it be not equally justifiable in

us to engage for the Safetie and Deliverance of this Nation, *as it was with the Netherlanders, and other People for theirs, and upon the same Principles that the Army engaged at New-market and Triploe-heaths; both Parliament and Army declaring, That it is no resistance of Magistracy to side with just Principles, and Law of Nature and Nations: And that the Souldiery may Lawfully hold the hands of that General, who will turn his Cannon against his Army, on purpose to destroy them: The Sea men the hands of that Pilot, who wilfully runs his Ship upon a Rock. And therefore, (the condition of this Commonwealth considered) we cannot see how it can be otherwise esteemed in us. And upon that Account we Declare, that we do owne, and are resolved to owne all such persons, either of the Army or Countreys, that have already, or shall hereafter, rise up and stand for the Liberties of England, according to the said Agreement of the people: And in particular, We do own and avow the late proceedings in Colonel Scroops, Col. Harisons, and Major General Skippons Regiments, declared in their Resolutions published in print; As One Man, Resolving to live and die with them, in their and our just and mutual defence.*

And we do implore and invite all such as have any sense of the Bonds and Miseries upon the people; any Bowels of Compassion in them, any Piety, Justice, Honour, or Courage in their Breasts, any Affections to the Freedomes of England, any love to his Neighbour or Native Countrey, to rise up, and come in to help a distressed miserable Nation, to break the Bonds of Crueltie, Tyranny, and Oppression, and set the people Free.

In which Service, Trusting to the undoubted goodnesse of a just and righteous Cause, We shall faithfully discharge the

the utmost of our Endeavours; Not sparing the venture of all hardships and hazards whatsoever, and leave the Successes to God.

Signed by me WILLIAM THOMPSON, at our Rendezvous in *Oxfordshire* near *Banbury*, in behalf of my Self, and the Rest Engaged with me, *May 6. 1649.*

For a New Parliament, By the Agreement of the People.

About this time Doctor *Dorislans* a Civill Lawyer, sometimes Judge Advocate to the Earle of *Essex*, and Lord *Fairfax*, and lately one of the Councell in the High Court of Justice against the KING, and the 4. Lords, was sent from the Parliament, Agent into *Holland*, where about 18. Scots-men, repaying to his lodging, 6. of them went up the stayres to his Chamber, whilst 12. of them made good the stayre-foot, they stabb'd him to death, and escaped. 159.
Doct. Dorislans
stabbed to
death in
Holland.

About the 14. day of *May*, 1649. Report was made from the Councell of State to the House of the examination of 3. Servants of Doctor *Dorislans*, concerning the Death of their Master; and what allowances were fit to be given to his Children out of the Kings Revenue, thereby to lay an aspersion upon the King (as if he best qualified in revenge of *Dorislans*). He having had an influence upon that Fact, His Estate must make the recompence, notwithstanding Scottish-men did the deed in revenge of *Hamiltons* death) *Dorislans* had been a poor School-master in the *Low Countries* formerly, from whence he was translated to read the *History-Lecture* at *Oxford*, where he decried *Monarchy* in his first *Lecture*: was complained of, and forgiven by the benignity of the King. Then he became Judge Advocate in the Kings Army in his expedition against the *Scots*: afterwards he had the like employment, under the Earle of *Essex*: and lastly, under Sir *Tho. Fairfax*. a great Gainer by his employments, but withall, a great Antimonarchist, and a Saint in *Cromwells* Rubrick, and therefore had a magnetique vertue both living and dead to draw money to him in abundance. Upon occasion of this Debate, *Haslerigge* moved, That 6. Gentlemen of the best quality, 160.
Hasleriggs bar-
barous motion
to murder six
Royalists of
the best quali-
ty in revenge
of Dorislans.

quality [Royalists] might be put to Death as a revenge for Doristlaus, and to deterre men from the like attempts hereafter. (That you may the better see of what Spirit *Haslerigge* is known, That some Northern Counties having petitioned the Commons for relief, against the miserable famine raging there: *Haslerigge* opposed their request, saying, *The want of food would best defend those Counties from Scottish Invasions.*) What man that had any sense of Christianity, Courage, Honesty, or Justice, would have been the Authour of so barbarous and unjust a motion, That six Gentlemen no way conscious nor privie to the fact should be offered up a sacrifice to revenge and malice, nay, to guilty fears and base cowardize, to keep off the like attempts from *Haslerigge* and his Party. I wish this Gentleman would reade the *Alchavon* (or new Independent Bible of the new Translation) and from thence gather precepts of more Humanity, Justice, Honesty and Courage, since he hath Read the Old and New Testament of *Moses* and *Christ* to so little purpose. Yet the House, 18. of *May*, passed a Declaration, *That if more Acts of the like nature happened hereafter, it should be retaliated upon such Gentlemen of the Kings Party as had not yet Compounded.* But this is but a device to fright them to Compound, unlesse it be a forerunner to a Massacre heretofore taken into consideration at a Councell of Warre: See Sect. 117.

161.
An act declar-
ing more
new Treasons:

About this time came forth that prodigious Act, declaring four new Treasons with many complicated Treasons in their bellies, the like never heard of before in our Law, nor in any Kingdom or Republike of Christendom: Because I have formerly spoken of it, the Act it self printed, publisht, and dreadfully notorious throughout the whole Kingdom; I will refer you to the printed Copie; one-ly one clause formerly debated was omitted in the Act, viz. *That to kill the Generall, Lieuten. Gen. any Members of this present Parl. or Councel of State, to be declared Treason*; this would have discovered their guilty cowardize so much they were ashamed of it: besides it was thought fit to make the People take a new Oath of Allegiance to the new State. First, I will only give you some few Observations thereupon. This Act declares to be Treason unto death and confiscation of Lands all Deeds, Plots, and Words: (1.) Against this present fagge end of a Parliament, and against their

their never before heard-of Supream Authority and Government: for, when was this Kingdome ever governed by a Parliament, or by any power constituted by them? (2.) All endeavours to subvert *the Keepers of the Liberty of England*, and *Councell of State* constituted, and to be from time to time constituted by Authority of Parliament, who are to be under the said Representatives in Parliament, (if they please, and not otherwise; for the *Sword* and the *Purse* trusted in the power of the Councell of State) yet *the Keepers of the Liberties of England* and *the Councell of State of England* to be hereafter constituted by Parliament, are *Individua vaga*, ayrie notions not yet named nor known, and when they are known we owe them no Allegiance, (without which no Treason) by the known Lawes of the Land, which is onely due to the King, His lawfull Heires and Successours thereto sworn; nor any the particular Powers and Authorities, granted to this Parliament by the said Keepers of the Liberties of England, and Councell of State yet any where authentically published and made known to us by any one avowed Act, (unlesse we shall account their Licensed New Books to be such) and therefore they may usurp what powers they please: So that these men who involved us in a miserable Warre against the late Murdered KING, pretending He would enslave us, and they would set us free; have brought us so far below the condition of the basest Slaves, that they abuse us like brute Beasts, and having deprived us of our Religion, Lawes and Liberties; and drawn from us our money and bloud, they now deny us the use of reason and common sence, belonging to us as Men, and Govern us by Arbitrary, irrationall Votes, with which they bait Traps to catch us: Woe be to that People whose Rulers set snares to catch them, and are *amari venatores contra Dominum*, Men-hunters against God: nay, to move any Person to stir up the People against their Authority is hereby declared, Treason: mark the ambiguity of these words (like the Devils Oracles) which he that hath Power and the Sword in his hands will interpret as he please: If the Keeper of the Liberties of England, or Councell of State shall extend too farre, or abuse their Authority never so much contrary to the Lawes of the Land, Reason, Justice, or the Lawes of God (as hath been lately done in this Case of *Lylburne*,
Walwyn,

Walwyn, &c.) no Lawyer, no Friend shall dare to performe that Christian duty of giving counsell or help to the oppressed, here Fathers and Children, Husbands and Wives, Brothers and all relations must forsake, nay, betray one another, lest these Tyrants interpret these duties to be, A moving of them to *stirre up the People against their Authority*. 3. *All endeavours to withdraw any Souldier or Officer from their obedience to their Superior Officer, or from the present Government*, as aforesaid, By which words it is Treason: First, *if any mans Child*, or Servant, be inticed into this Army, and the Father or Master endeavour to withdraw him from so plundering and roguing a kinde of life back to his profession. Secondly, *If any Commander or Officer* shall command his Souldiers to violate, wrong, or rob any man for the party so aymed at, or some wel-meaning Friend to set before the said Souldiers the sinne and shame of such actions, and dissuade them from obeying such unlawfull commands. 4. If any man shall presume to counterfeit their counterfeit Great Seale, It is declared Treason. I wonder it is not Treason to counterfeit their counterfeit coyne! Behold here new minted Treasons current in no time and place but this afflicted Age and Nation: *Edw. 3. anno 25. regni. ch. 2.* passed an excellent Act to secure the People by reducing Treasons to a certainty, as our New Legislative Tyrants labour to ensnare the People by making Treasons uncertaine and arbitrary; what they please to call Treason shall be Treason, though our knowne Lawes call it otherwise: we have long held our Estates and Liberties, and must now hold our Lives at the will of those Grand Seigniours, one Vote of 40. or 50. factious Commons, Servants and Members of the Army vacates all our Lawes, Liberties, Properties, and destroys our Lives. Behold here a short view of that Act which hath no Additions by any Act subsequent. See *stat. 1. Maria, c. 10.* Whereas diverse opinions have been before this time, in what cases Treason shall be said, and in what not, The King at the request of the Lords and Commons, Declares:

Sic volo, sic jubeo, it shall be Treason, because they will call and Vote it so.

See 1. H. 4. c. 10. 11. H. 7. c. 1.

1. *That to compass or imagine the Death of the KING, (how much more to act it) Queen, or their eldest Son and Heyre.*
2. *To violate the KING'S Companion, eldest Daughter unmarried, or the Wife of the KING'S eldest Son and Heyre.*

3. *To*

3. To leave War against the King, or adhere to his Enemies in his Realm, and thereof be proveably attained of open deed by people of their condition.

4. To counterfeit the King's Great or Privy Seal:

5. Or his Money.

6. To slay the King's Chancellor, Treasurer, Justices of one Bench or other, Justices in Eyre, Justices in Assize, and all other Justices assigned to hear and determine, being in their Places doing their Offices.

If any other case supposed Treason which is not above specified, doth happen before any Justices, the Justices shall tarry without any going to Judgement of the Treason, till the Cause be shewed and declared before the King and his Parliament (not before the House of Commons only, or before both Houses without the King) whether it ought to be adjudged Treason.

So the four Lords ought to have been Tried, not by a new shambles of Justice.

You see how few in number these Treasons specified are, and that they must be attained of open deed by their Peers; our words were free under Monarchy, though not free under our Free-State; so were they under the Romans. *Tacitus, An. 1. sub finem*, speaking of Treasons, *facta arguebantur, dicta impune erant*. These horrible tyrannies considered (and being destitute of all other less desperate relief) I do here solemnly declare and protest before that God that hath made mee a Man, and not a Beast, a Free-man, and not a Slave, that if any man whatsoever that taketh upon him the reverend name and title of a Judge or Justice shall give Sentence of Death upon any friend of mine upon this or any other illegal Act of this piece of a House of Commons, I will, and lawfully may (the enslaving scar-crow doctrine of all time-serving, State-flattering Priests and Ministers, notwithstanding) follow the examples of *Sampson, Judith, Jael, and Ehud*, and by *Ponyard, Pistol, Poyson*, or any other means whatsoever, secret, or open, prosecute to the Death the said Judge and Justice, and all their principal Abettors: And I do here invite and exhort all generous free-born English-men to the like resolutions, and to enter into Leagues defensive and offensive, and sacramental associations (seven or eight in a company, or as many as can well confide in one another) to defend and revenge mutually one anothers Persons, Lives, Limbs, and Liberties as aforesaid, a-

A a

gainst

gainst this, and all other illegal and tyrannous Usurpations.

162.

A motion to
inlarge Sir
Will. Waller,
&c.
And the Ge-
nerals Answer
intimating the
securing of
the Members
to be done by
confederacy
with the
Army-party
in the House.

About this time, or a little before, the General was moved to enlarge Sir *William Waller*, and the other Members illegally kept Prisoners in *Windsor*: He answered, *They were no longer his, but the Parliaments prisoners*: It should seem the Brute hath made a private deed of gift of them to his Journey-men of the House. The Generals Warrant seized and inprisoned them, and notwithstanding the Council of Officers declared in Print, *that they were preparing a Charge against them*, yet the Knaves lyed like Saints; they were then so far from having matter to accuse them of, that they have ever since, hunted after a Charge against them, and endeavoured to suborn Witnesses; but after 24 weeks restraint (whereas by the Law *no man ought to be committed without an accusation*) they have found nothing against them. This turning over of these Prisoners to the House of Commons, proves what I formerly asserted in Sect. 24. *That the violence of the Army in securing, and secluding the Members, was by consent of their Somerset-house Junta now sitting in the House of Commons,*

163

The General
sends forth
Warrants to
all Justices of
the Peace to
attach those
Levellers that
he had routed.

The honest Levellers (most of them Country-men) endeavouring to draw to a Rendezvouz, about 600. or 700. of them marched from *Banbury* to *Burford* in *Oxfordshire*, where lying securely (because they were upon treaty with the Enemy) their Quarters were beaten up, and about 180. of them taken Prisoners, which their enemies (according to their usual custome) to gain reputation by lying, reported to be so many Hundreds. And the General (as if they had been all routed) sent forth his Warrants to all Justices of the Peace in the adjacent Counties, requiring them to *apprehend and secure all such of them as shall be found*; I desire to know by what Authority the General takes upon him to command Justices of the Peace who are not under his Power, and what tame Animals these Justices are that will submit to his commands? and whether he thinks the Civil Magistrate to be obnoxious to the Power of the Sword, and the Council of Officers? and his single self the Supreme Magistrate, or Tyrant Paramount, notwithstanding the Vote of his Journey-men Commons, *That no single Man should be trusted with the Supreme Power.*

See the Vote
and Act for
abolishing
the Kingly
office.

164.

The Levellers having possessed themselves of *Northampton*:
The

the General (it is said) thought fit to take hold of the Horns of the Altar, and wrote to his vassals of the City to send their Trained Bands to his relief, that he might the better domineer over them; and continue their slavery hereafter. But if the Citizens have no more wit, I wish their Horns may be as visible in their fore-heads, as the Nose in *Olivers* face.

The General sends to the City for additional Forces.

To cozen the honest Levellers, the Commons (in order to the ending this present Parliament) are debating how to pack a succeeding Representative as wicked as themselves, and of the same leaven; whose Election shall not be free, but bounded with such Orders of limitation and restriction as shall shut out all men from electing or being elected, as are not precisely of the same principles and practices, and as deep engaged in their tyrannical, traitorous, cheating, bloody designs as themselves, guilty Committee-men, and Accountants to the State shall be the next Representative; and for the better lengthening of the business (that they may see what success (in the mean time) the Levellers will have) they wire-draw it through a Committee, and refer it to be debated by a Committee of the whole House. And at last (if they must dissolve) having packed themselves into a Council of State, they will usurp the Supreme Authority there: to prepare the way to which design, they have passed another Act, May 19. *That the People shall be Governed as a Free-state by Representatives, and by such as they shall constitute; and then consider what kind of Representatives we are like to have.*

165.

The Commons colourably debate to dissolve this Parl. and settle a succeeding Representative.

Great care is taken that the State (or rather our States-mens private pockets) might not be prejudiced by Judgments, Extents, &c. lying upon Delinquents Estates: you see notwithstanding their Declaratory Vote, *That in things concerning the Lives, Liberties, and Properties of the People, they would maintain the known Laws of the Land;* yet this Vote (as well as all others) hath a condition implied, that it do no wayes hinder the Gains of our godly Grandees, otherwise they would not consider how to defeat Creditors of their legal assurance.

166.

A debate how to defeat Judgments, Extents, &c. upon Delinquents lands.

John Lilburne being ordered a close Prisoner in the Tower by the Commons without Pen, Ink, or Paper, (which was tyranny under King *Charls*, but not under *K. Oliver*) a Petition was presented to the Commons by many well-affected, that *John* might

167.

John Lilburne starving imprisonment in the Tower. have

The allowance is 4l. a Week as I conceive.

have the allowance usually and legally due to Prisoners in the like case for his support; which was rejected, insomuch that *John* was kept 3 whole dayes with one half meales meat: this is to condemn men unheard to be murdered by famine in their private slaughter-houses, when they cannot, or dare not murder them in their pretended Courts of Judicature, or publick shambles: yet afterwards, when the drawing together of the Levellers, and discontents of *Newcastle* affrighted the Commons, they Voted him the short allowance of 20 s. a week. Thus you see nothing but feares and dangers can kindle the least spark of goodness and compassion in their woolvisb breasts: wherefore Lord (I beseech thee) heap feares and terrors upon their guilty pates, till with *Judas Iscariot* they cry out, *We have sinned in that we have betrayed innocent blood.*

168.

Why *Ireton* laid down his Commission.

Cromwel being to march against the Levellers, left *Ireton* behind him (like a hobby daring of larks) to over-awe the Conventicle at *Westminster*, and see they chaunt no tune but of their setting, the better to keep himself in a neutral reconciling posture: *Ireton* laid down his Commission, (which he can take up again at pleasure) whereby he puts off all addresses to him from the levelling party for the present. This poor fellow now keepeth his golden Coach which cost 200l. and 4 gallant Horses. The world is well altered with such petty Companions; and hereby the Souldiers may see what becomes of their Arrears. There hath been a seeming falling out between *Cromwel* and *Ireton*.

169.

Hugh Peters visits *J. Lilburne* in the Tower, and he sum of their Conference.

Witness his ampering with *Hamilton*, &c.

John Lilburne being a close Prisoner in the Tower (as hath been said) *Hugh Peters* (Chaplain in Ordinary to two great Potentates, *Lucifer* and *Oliver*) came about dinner-time (May 25. 1649.) to visit him; and though admittance be denied to other men, yet to him the Gates flew open: as sure as *Saint Peter* keeps the keyes of Heaven, *Hugh Peters* keeps the keyes of our Hell and our Grandees Consciences, and openeth and shutteth at pleasure: he is Confessor at *Tyburn*, and hath a great power over damned Spirits, or rather over such Spirits, as not submitting basely to the tyranny of our State-Mountebanks, incur their condemnation in this world (by Gods permission) in order to their salvation in the next world: the tyranny of these Usurpers implying at once, their cruelties over our bodies, and Gods

Gods mercy to our souls. Hugh's first salure was, *That he came meerly to give John a visit, without any design* (his guilty conscience prompting him to a voluntary Apology.) John answered, *I know you wel enough, you are one of the setting Dogs of the great Men of the Army, with fair and plausible pretences to insinuate into men, when they have done them wrong, and to work out their designs when they are in a strair, and cover over the blots that they have made.* Then John complained of the || *illegal and violent seizing upon him by Souldiers, and carrying him before that new erected thing, called [A Councel of State] who committed him without any Accusor, Accusation, Prosecutor, or Witness, or any due process of Law; and yet when the King impeached the five Members, and preferred a Charge of high Treason against them; Recorded in part Book of Decl. p. 35. and only failed in a single punctilio of due process of Law, they cryed out, it was an invasion of the Peoples Liberties; so that four or five Recantations from him (recorded in their own Declarations) would not serve his turn.* Peters half out of countenance (if so prostituted a Villain that practises impudence amongst common Whores, and whose Pulpit is more shameful than another mans Pillory, can be out of countenance) takes up one of Coke's Institutions, and possessed Lilburn was meerly gulled in reading or trusting to those Books, for there were no Laws in England. John answered, *he did beleve him, for that his great Masters, Cromwel, Fairfax, &c. had destroyed them all.* Nay, (quoth Hugh) *there never were any in England; with that John shewed him the Petition of Right, asking him, whether that were Law?* which Peters had the impudence to deny, asking, *what Law was?* John replied * *out of the Parliaments own Declarations, The Law is that which puts a difference betwixt good, and evil; just, and unjust: If you take away the Law, all things will fall into confusion, every man will become a law unto himself, which in the depraved condition of humane nature must needs produce great enormities; Lust will become a law, Envy a law, Covetousness and Ambition will become laws; and what dilates, what decisions such laws will produce, may easily be discerned.* This (Mr. Peters) is a Definition of Law by the Parliament in the dayes of their primitive purity, before

|| Compare this Act of the Kings, with the violent act of those Traytors and Tyrants, Fairfax and his Councel of War in imprisoning and secluding above 200. Members at once without cause shewn, and leaving only 40 or 50 of their cheating Faction in the House to carry on their bloody Anarchical designs; some of which secured Members with barbarous usage were almost brought to death, and their murder since attempted by Souldiers.

* The Law is now taken away and all things in confusion by turning our Monarchy (without or consent) into a Free-State of Slaves governed by Tyrants.

they

they had corrupted themselves with the Commonwealths money. And elsewhere the Law is called, The safeguard, the custody of all private Interests, your honours, lives, liberties, and estates, are all in the keeping of the Law, without this every man hath a like Right to any thing; It is the best birth-right the Subject hath: It is a miserable servitude or bondage where the Law is uncertain, or unknown. To this the Comick Priest replied, I tell you (for all this) there is no Law in this Nation but the Sword, and what it gives; neither was there any Law or Government in the world, but what the Sword gave. To this the

This doctrine of Devils, that it is lawful to submit to any present power that is strongest, is broached in a Pamphlet by old Rowe; the illiterate Jew of Eaton-Col- up and visible, fenced about with abundance of Laws, so reputed in ledge. And by the common acceptance of Men, by the express letter of which all those John Goodwin that fought against him are (ipso facto) Traytors; and if it were not for the preservation of our Laws and Liberties, why did the Parliament fight against Him a present power in being? and if there be no Laws in England, nor never was, then you and your great Masters, Cromwel, Fairfax, and the Parliament, are a pack of bloody Rogues and Villains, to set the People to murder one another, in fighting for preservation of their Laws (in which their Liberties were included) which was the principal declared Cause of the War from the beginning to the end. I thought (quoth the Lievtenant Colonel) I had been safe when I made the known Laws the rules of my actions, which you have all sworn and declared to Defend; and make it the standard and touchstone between you and the People. * I but (replied Hugh) I will shew that your safety lyes not therein, their minds may change, and then where are you? I but (quoth the Lievtenant Colonel) I cannot take notice of what is in their minds to obey that; but the constant Declaration of their minds (never contradicted in any of their Declarations) as, That they will maintain the Petition of Right, and Laws of the Land, &c. This was the substance of their discourse, saving that John pinched upon his great Masters large fingering of the Com-

* The Laws are now no protection to us, nor the rule of our actions, but the arbitrary wills and lusts of the Grandees.

mon-

mon-wealths money, calling it *Theft and State-Robbery*, and saying, That Cromwel and Ireton puffed both in one quill, though they seem sometime to go one against another; yet it is but that they may the more easily carry on their main design, To enslave the People.

Reader, I was the more willing to present the summ of this Debate to thee, that by comparing their doctrine and principles with their daily practices, thou mayst perfectly see to what condition of slavery these beggarly upstart Tyrants and Traytors have reduced us by cheating us into a War against our lawful Sovereign, under pretence of defending our *Laws and Liberties, and the Privileges of Parliament*, which themselves onely (with a concurring faction in the House) have now openly, and in the face of the Sun pulled up by the roots; and now they stop our mouths, and silence our just complaints with horrid, illegal and bloody A&ts, Declaring words and deeds against their usurpations and tyranny to be *High Treason*: nothing is now Treason but what the remaining faction of the House of Commons please to call so. To murder the King, break the Parliament by hostile force, put down the House of Lords, erect extrajudicial High Courts of Justice to muder Men without Trial by Peers, or Jury, or any legal proceeding; to subvert the fundamental Government by Monarchy, and dispossess the right Heir of the Crown, and to usurp his Supreme Authority in a factious sagg-end of the House of Commons, to put the Kingly Government into a packed Junto of forty Tyrants, called, *A Council of State*; to exercise *Martial Law* in times of peace, and upon persons no Members of the Army; to raise what unnecessary illegal Taxes they please, and share them and the Crown Lands and Revenues amongst themselves, leaving the Souldiers unpaid to live upon *Free-quarter*, whilst they abuse the People with pretended Orders against *Free-quarter*; to alter the Styles of Commissions, Patents, Processes, and all Legal proceedings, and introduce a forraign Jurisdiction; to Counterfeit the Great Seal and Coin of the Kingdome, and to keep up Armies of Rebels to make good these and other Tyrannies and Treasons, is *High Treason* by the known Lawes; but now (by the Votes of the Conventicle of Commons) it is *High Treason* to speak against these crimes. Good God! how long will thy patience suffer these Fools to say in their hearts *there is no God?* and yet profess thee.

Sect. 162.

thee with their mouths? to break all Oathes, Covenants, and Protestations made in thy Name, to cloak and promote their Designs with dayes of impious fasting and thanksgiving? how often have thy Thunderbolts rived senseless Trees, and torn brute Beasts that serve thee according to their Creation? yet thou passest over these men who condemn thee, contrary to their knowledge and professions: Scatter the People that delight in War: Turn the Counsels of the wise into folly, let the crafty be taken in their own net; and now at last, let the Oppressed taste of thy mercies, and the Oppressor, of thy justice; throw thy rod into the fire, and let it no longer be a bundle bound together in thy right hand, They appeal to thee as Author of their prosperous sins, become (Lord) Author of their just punishments; bestow upon them the rewards of Hypocrites, and teach them to know the difference between the saving strength of Magistrates, and the destroying violence of Hang-men: But what am I that argue against thy long-suffering (whereof my self stand in need) and seek to ripen thy vengeance before thy time? Shall the Pot ask the Potter what he doth? I beheld the prosperity of the wicked, and my feet had slipped: Lord amend all in thy good time, and teach us heartily to pray, Thy will be done in Earth as it is in Heaven.

170.
The Act for
Abolishing
Monarchy
proclaimed
in London.

May 30. 1649. The aforesaid Trayterous Act for abolishing King's Government, and converting England into a Free-State, (consisting of forty Tyrants, and many millions of slaves) was proclaimed in London by the newly intruded illegal Lord Mayor Andrewes, accompanied with 14 Aldermen of the same pack; the People in great abundance crying out, Away with it, away with it; G O D save King CHARLES the Second: and bitterly reviling and cursing it and them, until some Troops of Horse (ready prepared in secret) were sent to disperse, beat, and wound them: and yet the Trial of the King, and the subverting of our well-formed Monarchy (under which we lived so happily heretofore) with all other Acts of the like high nature, was done in the name of the People of England, although (I dare say) at least five hundred to one (if they were free from the terrour of an Army) would disavow these horrid Acts; so little are the People pleased with these doings: notwithstanding the new Title the Conventicle of Commons have gulled them withall, Voting the People
of

of England to be *The Supreme Power*, and the Commons representing them in Parliament, *the Supreme Power of the Nation* under them: This was purposely so contrived to *ingage the whole City*, and make them as desperately and impardonably guilty as themselves; and certainly if this Tumult of the People (amounting to a publick disclamour of the A^t) had not happened, the whole City had been guilty by way of connivance, as well as these Aldermen, and the illegal Common Council, newly packed by the remaining Faction of Commons, contrary to the Cities Charters, to carry on these and such like Designs, and intangle the whole City in their Crimes and Punishments.

* *The Names of the Lord Mayor and Aldermen of the City of London that personally proclaimed the A^t for abolishing Kingly Government.*

Alderman *Andrews*, Lord Mayor.

Alderman <i>Pennington</i> ,	Alderman <i>Bateman</i> ,
Ald. <i>Wollaston</i> ,	Ald. <i>Atkins</i> ,
Ald. <i>Foulkes</i> ,	Ald. <i>Viner</i> ,
Ald. <i>Kenrick</i> ,	Ald. <i>Avery</i> ,
Ald. <i>Byde</i> ,	Ald. <i>Wilson</i> ,
Ald. <i>Edmonds</i> ,	Ald. <i>Dethick</i> ,
Ald. <i>Pack</i> ,	Ald. <i>Foot</i> .

The Pharisaical House of Commons voted an A^t, June 1. for a day of Thank-giving to set off K. *Olivers* Victory over the Levellers with the more lustre, and to sing *Hosanna* to him for bringing the grand Delinquent to punishment. The wise Lord Mayor and his Brethren (in imitation) invited the Parliament, Council of State, the General, and his Officers, to a Thank-giving Dinner upon that day. The Commons appointed a Committee (under pretence of drawing more money from Adventurers for the Relief of Ireland) to ingage the City farther to them; *Cromwel* had the Chair in that Committee: the device was, that the Common Council should invite the Parliament,

1771.
A Thank-giving Dinner in the City for the General, &c.

B b

Coun-

Council of State, and Officers of the Army to Dinner, and feast them as a Free-State, and then move the Supplies for Ireland. But if the Levellers had prevailed, the Thank-giving white-broth and cultard had been bestowed upon those free-spirited Blades, whom *Oliver raised into a mutiny with one hand*, (and by advantage of his Spies) *cast down with another*, for the glory of his own Name, and *that he might have occasion to purge the Army (as he had done the Parliament) of all free-born humours.*

172.
The Council
of State sit in
pomp at
White-hall.

White-hall is now become the Palace of a *Hydra of Tyrants* instead of *one King*, where our *Hogens Mogens*, or Council of State sit in as much state and splendour, with their Rooms as richly hanged (I wish they were so too) and furnished (if you will believe their licenced News-books) as any Lords Scates in *Europe*; yet many of these *Mushromes of Majesty* were but *Mechanicks*, Goldsmiths, Brewers, Weavers, Clothiers, Brewers Clerks, &c. whom scornful Fortune in a spiteful merriment brought upon the Stage, and promoted to act the parts of Kings (to shew that Men are but her Tennis-balls) and when she is weary with laughing at their disguises, will turn them into the *Tyring Room* out of their borrowed cases, and shew us that our *Lions* are but her *Asses*. The Kings poor Creditors and Servants may gape long enough (like *Camelions*) to see the afore said Ordinance executed, for *sale of the Kings Goods to pay their Debts*; they (poor Souls) are left to starve while these Saints Triumphant revel in their Masters Goods and Houses.

173.
A general sur-
vey to be ta-
ken of the
whole King-
dome; that e-
very mans
Estate both
real and
personal may
be taxed.

Orders about this time were sent forth into *London* and the Counties adjacent for certain Committees to enquire upon Oath and certifie the improved value and revenue of every mans estate real and personal, wherein good progress hath been made already; the like is to go forth throughout the Kingdom. That our forty mechanick Kings now sitting in *White-hall*, and the self-created supreme Authority of the Nation, may take an exact survey (in imitation of *William the Conquerors Book of Survey*, called *Domes-day*, remaining in the *Exchequer*) of their new conquered Kingdom, and know what they are like to get by their villanies; and how to load us with Taxes and Free-quarter, and what the value of their Estates are when they have completed their Design of *Sequestering the Presbyterians as they have done the Royalists.* The

The faction in the House are, this beginning of *June*, 1649. sitting abroad upon an Act to enable Committees to give Oaths in some cases; and yet the House of Commons never had nor pretended to have power to give Oaths themselves (though every Court of Py-p wders hath) because the House of Commons is no Court of Judicature, but only the Grand Inquest of the Kingdome, to present to the King the grievance and the necessities of the People by way of humble Petition; as appears by the Law-books and Statutes: and therefore the Commons can grant no more than they have themselves. But now the remaining faction of the House have voted themselves to be the *supreme Authority of the Nation*, and have a Sword to maintain it, they and we must be what they please; yet I must affirm, that to take *illegal Oaths* is never justifiable before God nor Man, and no less than *damnable*. But it may be) that by accustoming the People to take these new-imposed, *illegal Oaths*, they hope to make them the more easily swallow their intended *new Oath of Allegiance* to their *new State* and their own Damnation together hereafter.

All the Scrivenors about the Town are commanded by the Supreme thing to produce their *Shop-books*, that notice may be taken who are guilty of having money in their purses, that the fattest and fullest may be culled out, and sequestred for Delinquents, now that their almighty Saint-ships have occasion to use it for defence of their Free-State, if they would but search one anothers private pockets they would finde money enough. The like attempt (onely) in the Kings time was cried out upon as a high piece of tyranny, but nothing can be tyranny under a Free-State: The Supreme Authority being so full a Representative-glass of the People, that it takes our very substance into it self, and leaves us onely the shadow, whilst we wander up and down like our own Ghosts, who having lived under the Monarchy of Good King CHARLES, are now dead and descended like shades into the Kingdome of *Pluto*.

The 7. *June*, 1649. the Thankſ-giving (spoken of Sect. 172.) was solemnized in the City: The Lord Mayor meeting the Speaker, resigned to him (as formerly was used to the King) the Sword of State (as had been ordered by the House the day before) and received it again from him; and then the Mayor conducted

174. An Act enabling Committees to give Oaths.

175. Scrivenors commanded to shew shop-books.

176. The aforesaid Thankſgiving solemnized.

them all to *Christ-Church*, where the Commons, Council of State, General, and his Officers, together with the Mayor, Aldermen, and Common Council, &c. mocked God with their Devotions, where Mr. *Tho. Goodwin*, and Mr. *Owen* preached out of the Politicks to them; from thence they were conducted to a great Dinner at *Grocers-hall*, and entertained in the quality of a *Free State*, no man being admitted without delivering his Ticket. They were all strongly guarded with Souldiers, and every Cook had an Oath given to be true to them, which shewed they had more of fear and guilt than of confidence and innocency within them. Great Presents of Plate given to his Excellency *Fairfax*, and to his Super-excellency *Cromwell*, and to others, fit to be chronicled in *Stow*, and *Hollingsheads* Volumes, amongst other solemn Fooleries; let it not be omitted that *Hugh Peter*, and many other Saints were too full of the Creature (*anglice*) Drunk.

177.

A necessary
advertisement
to all honest
Presbyterians
Seek *Charles*
the first his
book [*The*
Portraiture
of his Majesty
in his solitudes
& sufferings]
Some over-
hastily expect
the King
should
satisfie the
Presbyterians
by his Decla-
rations; but the
height of the
Independents
malice & un-
guilty fears
are such as
may endanger
the drawing
on a Massacre
upon them
by such a
course.

I am to give a necessary advertisement to all men, that though the young *King* shews much respect and a desire of reconciliation (according to his dead Fathers never-dying precepts) to all moderate men and Presbyterians that make Addresses to Him, yet it is complained of by some (who look not into the undermining practices of our new Statists) that some few of His Counsellors and Followers are as violent against the more moderate and honest Presbyterians, as against the Independents who murdered his Father; but these zealous Royalists are either some passionate light-brain'd men of little discretion and less power with him, or else some false-hearted Pensioners to our new State, and such as have under-hand an Indemnity for their own Estates in *England*, who stand like Scar-crows about His Majesty to fright away such as return to their Loyalty, and tender their due Allegiance to Him, thereby to weaken the hands of his Majesty, and cut off the hopes of this Nation from depending upon him, who as our undoubted Sovereign (both by the Laws of God and the Land) and Gods Vice-gerent in His three Kingdomes, onely can and will (if we forsake not him and our selves) free and protect us from the many-headed, miserable, arbitrary tyranny we now starve and bleed under; and restore unto us again our Religion, Laws and Liberties, our Wives, Children, and Estates, Trading, Husbandry, peace and plenty now held

held in more than Ægyptian bondage, by our cruel, bloody, and thievish Task-masters; Remember his deceased Majesties gracious Messages frequently sent for peace and reconcilment; Remember His Concessions to His Parliament upon the last Treaty; (more than ever any King granted to His People.) Remember His pious meek and Christian Martyrdome suffered for His People, which bitter Cup had passed from Him if He would have built up and established this Babel of Tyranny now insulting over us, and have turned our wel-mixed Monarchy into an Olygarchical legal Tyranny, by adding His Royal Assent to their wicked Demands tendered to Him but two dayes before His Translation from this valley of teares. Remember His Posthumous Book to His Son, full of Precepts, favouring meerly of piety, Christian wisdom, charitie, and forgiveness, to His very Enemies; and then judge whether our late King, or our usurping Kinglings (now seratching and tearing us, making one War beget another, perpetuating an Army, and domineering over us by the power of the Sword) were the natural Parent, whose bowels yearned upon this (now) Orphan Child, the English Nation dying and expiring under this new Corporation of Tyrants, (the putative Patent) which overlaid it? He that acknowledged Allegiance to the Father, cannot deny it to his Son, as having sworn to bear faith and true Allegiance to the King his Father, and to his lawful Heirs and Successors; which our usurping Hogens Mogens cannot pretend to be: so that as well for duty and conscience to God and their own Souls, as for a necessary and just protection of their lives and estates, all honest and wise men ought to cast themselves into the Arms of his Dread Majesty our present KING, as the only sanctuary of their salvation, and not suffer themselves to be so far misled by vain reports, as to be more afraid of their cure than of their disease.

See a Book, entitled His Majesties gracious Messages for peace. Mr. Pyns Speech, s. Dec. 1648. in the House. And the secured Members R. ply to the Council of War.

1 King. 3.

Oath of Allegiance, and Stat. of Recognition, Jacobi.

Stultorum incurata pudor malas ulcera celat.

Solomon hath shewed you out of the Cabinet of Nature the difference between a Natural-mother and a Step-mother; and that you may see the difference between a natural King, correcting his own people with fatherly compassion for examples sake; and a Usurper, wounding, killing and robbing (those which are none

of his own) his fellow-servants for his lust and lucre sake, I will set down a short Abridgement of our own famous *Dictum de Kennelworth*, and first the occasion thereof, which was thus :

Simon de Montford, Earl of *Leicester*, conspiring with many other great men, rebelled against *Henry 3.* pretending (after the manner of all Rebels) *Reformation of publick Grievances*. He overthrew the King in battel, took Him and his Son Prince *Edward* Prisoners; the Prince after a while escaped out of Prison, raised an Army, overthrew and slew in the Battel of *Evesham* *Simon Montford*, subdued the whole Party, rescued and re-inthroned his Father. Commissions were sent forth to prevent future troubles, and settle mens minds grown desperate with fear what horrid punishments so horrible a Rebellion would bring upon them: The result of all is contained in the said *Dictum de Kennelworth*, as I find it in *Magna Charta veteri*, fol. 60. part. 2. observe the moderation of it; No man bled to death for it but in the field; the blood of war was not shed in time of peace; the King did not slay those whom he had taken with his Sword and with his Bow, but reasonably fined them, not unto destruction: though the known Laws called them *Traitors*, and put them into his power for life, lands and goods; they were but once punished, not always tormented and kept upon the rack, after the late custom of our fellow-Servants and Subjects; who will never suffer the partition-wall between us to be thrown down, *England* once more to become one Nation, and one people; and our broken bones to be again set and knit together.

See the late History of the Marquess of *Montrose*, what gentle use he made of his Victory after he had subdued the strength of *Scotland* at Battel of *Killybrie*.

Dictum

Dictum de Kennelworth.

*Noneto be Dis-inherited, but onely fined : As namely,
Those*

1. *That began and continued in War.* 2. *That held Northampton against the King.* 3. *That fought against him at Lewis, Evesham, Chesterfeild.* 4. *That were taken at Kenilworth.* 5. *That sacked Winchester, being yet unpardoned.* 6. *That voluntary sent against him, or the Prince.* 7. *The Officers of the Earl of Leicesters who molested their Neighbours with Rapine, Fire, Murder, or otherwise, to pay in three years five years value, and half their estates of Land. If they sell it, such as are by the Kings grant possessed of them to have them, giving as any other, &c. and so if it be to be Let, those who pay the whole to have all instantly, and that pay half, to have half: If in three years the whole be unpaid, the Land to be divided between him that owns it, and him to whom the King hath given it. If any have Woods by sale of which he would pay his Fine, the money to be paid by two, of which either side to chuse one.*

2. *Knights and Esquires, who during the War have enriched themselves by Rapine, having no Land, to pay half their goods, and be bound with Sureties to the peace; if no goods be acquitted by Oath, exceptis bannitis quibus solus, Rex potest remittere.*

3. *Lords of Wards to pay for them, and be answered by their Wards when they come to age; which if they accept not, the Wardship to accrue to such as the King hath given the Ransome to, and they to be so answered.*

4. *The*

4. *The Kings Wards to remain where they are placed, and be Ransomed as others, but without destruction.*

5. *Such as were with the King before the battel of Lewis, and since are Dis-inherited, His Majesty to declare his pleasure touching them.*

6. *No man possesse of wood to fell any, but onely for repair, till the last day of payment be passed and not observed.*

7. *The King and the Popes Legate to send beyond sea for a time such as are likely to trouble the peace of the Kingdome, which if it hindered the paying of their Ransome, not for that to be Dis-inherited.*

8. *Such as were grieved with this Agreement might appeal to the Kings Court before S. Hilary, and such as were beyond sea to have inducias transmarinas.*

9. *Because the King was to reward many and some had too much, the King out of the Fines to provide for them.*

10. *The Legate, King, and Henry d'Almain to Elec^t twelve who should cause these Articles to be executed, and to see performed what they ordain, according to the estimates already taken, or if not to have new rates taken reasonable and true.*

11. *Tenents that were against the King to lose their Leases; but at the expiration of their time the Land to return to the true owner.*

12. *Forts*

12. *Forts built by the assent of the King, but without that of the Person dis-inherited, after the Fine paid in three years, to pay the costs of building of it in six years, or receive a reasonable exchange in Land.*

13. *Such of the Lay as apparently drew any to the part of the Earl of Leicester to pay two years Revenue.*

14. *The Buyers of other mens goods wittingly, to restore the value of that they have bought, and be at the Kings mercy, because that they did ~~was~~ against justice.*

15. *Those that at the Earls command entred Northampton, yet fought not, but entred the Church.*

16. *Such as held not of the Earl, yet at his command entred to the action with him to pay half one years Revenue.*

17. *Such as held of the Earl to be only at the Kings mercy.*

18. *Impotent persons, and such as did nothing to be restored to their Possessions, and by justice recover their damages, their Accusers punish'd by Law, yet without loss of life or limb.*

19. *Maliciously accused to have their Estates immediately restored.*

20. *Women to have their own Lands, and what they had of their first Husbands; if their late Husbands were against the King to be restored according to Law, or Fined.*

21. *None to be fined but such as were against the King.*

22. *Such as have been pardoned to remain so.*

23. *Those that are fined to answer no Loss done to any, but all damages to be remitted on every side; except those that intermeddled not, and of the Church, whose actions are saved.*

24. *The King by reasonable Exchange to receive the Castles of Erdley-Bishop, and Chartley, it seeming dangerous to leave Forts in their hands who have carried themselves ill towards the King.*

25. *Those that in the future shall commit any outrages to be punished by Law.*

26. *An Oath to be taken where it shall be held convenient, not to pursue each other with revenge; and if any shall attempt the contrary, to be punished according to Law.*

27. *The Church to be satisfied by those that injured it.*

28. *Such of the Dis-inherited as refuse this Composition to have no Title to their Estates, and to be esteemed publick Enemies to the King and Kingdome.*

29. *Prisoners to be freed by the advice of the King and Legate.*

30. *No Person to be Dis-inherited by reason of these Troubles by any to whom he ought to Succeed.*

You

You see what great care was here taken to prevent spoyl and waste of Woods, &c. whereas in this latter Age the first thing taken into consideration, is, how to raise ready Money by destruction of Woods, Houing, and selling of the Stock, to lay the Lands waste, and decay Husbandry to the endangering of a Famine for the present, and the Dis-inheriting our innocent Posterity for the future; so little care is taken to keep that well which is so ill and illegally gotten. And how much regard was had to preserve innocent Persons from suffering wrong in any just claim or Title they could make to any Land possessed by a guilty Person; whether they claimed by Dower, Joynture, Title or Estate in Reversion, or Remainder, or otherwise: I wish the like justice were now observed.

Monday night, 4. June, 1649. that third part of a Lord Admiral, Col. *Edw. Popham* came to *Westminster*, and presently made his Addresses to the high and mighty Estates in *White-hall*, giving them a dismal Relation of his ill success in tampering with the Governour of *Kingsale* in *Ireland*, who (proving honestier than the Saints expected) took a summe of money of him to betray the Town, Forts, and Ships in the Road: but when *Popham* came in to the Haven to take possession of his new purchase, gave him such a Gun-powder welcome, that he lost most of his Men, landed to takelivry and seisin, and divers Ships; he was commanded to conceal this ill news, lest it discouraged the City to engage so far with them, as to entertain them in the condition of a Free-State, and surrender the Sword to them, and so spoil the Design of their Thanksgiving Devotions and Dinner to be celebrated together, in, and with the City upon Thursday ensuing the 7. of June; and lest it should dishearten more secluded Members from comming to sit in the House with them again, knowing, that Tyrants are followed for their fortunes, not for themselves; wherefore, upon Tuesday following (being the 5. Jun.) *Popham* made another kinde of Report to the Plebeians of the Commons House (who must not be trusted with the truth of State-mysteries, but (like Wood-cocks) must be led in a mist) That he had left *Kingsale* blocked up with ten Ships, and the Seas secured in peace and quietness; and the better to adorn the fable, and suppress the truth from approaching the ears of the people,

178.

The loss of
Ships at *King-
sale* suppressed, and mis-
reported in
the House,
and why?

the House that day (15. June) passed an Order, *That for this remarkable additional mercy bestowed upon them in the prosperous success given to their Fleet at Sea, upon Thursday next, 7. June (the day set apart for publick Thanksgiving) the Ministers should praise God.* Lord! since these audacious Saints are so thankful to thee for one beating, bestow many more beatings upon them, for they stand in need of all thy corrections. The like attempt hath been upon *Scilly* with the like success, since which time forty sail of Ships are pressed in the *Thames* to recruit the shattered Navy, given forth to be a *Winter Guard* at Midsummer.

Scout, from
June the 8. to
15. 1649.

179.

Gifts given
amongst the
Faction.

John Blackiston is packed away to the other world; and the House upon 6. June, voted to his Wife and Children 3000 l. out of the Earle of *Newcastle's*, and Lord *Wytherington's* Estates, in compensation of the loss of his Pedlery Ware, in his Shop at *Newcastle*; he had formerly given to him 14000 l. you see the insatiate hunger of Gold and Silver survives in the very Ghost of a Saint after he is dead: 500 l. more was given to *Johns* Brother; an Estate out of the Rectory and Demesnes of *Burford* was settled upon the Speaker. 400 l. per ann. Lands are to be settled upon the General out of the Duke of *Buckingham's* and his Brother the Lord *Francis Villers* Estates. 400 l. per ann. out of *Claringdon Park* upon the Earle of *Pembroke*. 1000 l. was bestowed upon an eminent Member of Parliament for his many good Services. 4868 l. to the Lord *Lisle*, out of the Monthly Assessment for *Ireland*, for his penny-worth of good service done there; you see to what purpose we pay Taxes. 2000 l. Land per an. and 1000 l. Money given to *Bradshaw*, the price of Bood. And 400 l. more given to the Poor of the City (to stop their mouths from cursing upon the Thanksgiving-day) out of the 2000 l. Fine set upon the Lord Mayor *Reynoldson* for not proclaiming the Act for abolishing Kingly Government; this is (according to the Spanish Proverb) *To steal a Sheep, and give away the Trotters for Gods sake*. You see the Saints can finde Money to give Gifts, though not to pay Debts; although the Publick Faith lye at pawn for them. A Committee is appointed to consider how to prefer Mr. *Tho. Goodwin* and Mr. *Owen* to be Heads of Colledges in *Oxford* as a Reward for asserting the late proceedings of Parliament upon the aforesaid Thanksgiving-day. It is not fit such men should serve

serve God for nothing : in the times of *S. Peter* and *S. Paul*, *Godliness was great Gain*; but in the daies of our modern Saints, *Gain is great Godliness*.

The thing that miscalls its self a *Parliament*, hath set an Excise of 1d. the Gallon upon all forraign salt imported ; which is, in effect upon all the salt we use, (our home-made salt being inconsiderable) you see our Cups, our Spits, our powdring-Tnbs, our washing-bowles, our Kettles, our Hats, Dublets, Breeches, Stockings, Shoes ; nothing we use, eat, drink or wear, is free from being devoured by these sanctified Locusts of the Free-State, who complained of the King for that petty inconsiderable Tax of *Ship-money*, which His Majesty spent in maintaining Guards of Ships upon our Seas, so much to the Honour of our Nation, that the King of *Spain* trusted all those vast summs of Bullion he sent to the *Low-Countries*, to be Coined in our Mint, and above a third part yearly to be laid out here in English Cloth and Commodities, which with the residue of the Spanish Treasure was afterwards waisted over into *Flaunders* in English Bottomes, for which they were liberally payed ; whereby every mans estate was increased 10l. in the hundred, *England* infinitely abounded with Coin and Plate, as appears by those many vast summs that have been constantly extorted from the People since the beginning of these Wars ; more, I dare say, than all our Kings since the Conquest, (excluding *William the Conqueror* and *Henry the Eighth*) ever raised upon the People) and by those many vast summs our seeming Saints have sent into banks beyond Sea, and buried in their private Coffers.

Reader, let me admonish thee, That the Levellers (for so they are mis-called, onely for endeavouring to Level the exorbitant usurpations of the Council of Officers and Council of State) are much abused by some Books lately printed and published in their names, much differing from their declared Principles, Tenets, and Practices ; but forged in *Cromwells* and *Iretons* shops to cast an *odium* upon them. These State-wolves by such forgeries endeavour to make the Sheep forsake and betray the Dogs that faithfully guard them ; that they may with more security fleece them, slay them, and eat them hereafter. *Ireton*, *H. Herig*, and Postmaster-Attorney *Prideaux*, by themselves and their

180.
The Excise
enlarged up-
on Salt.

181.
A Vindication
of the Level-
lers in some
things; and a
further de-
sign to garble
and enslave
the Army.

Blood-hounds (Spies and Intelligencers) have been very diligent to draw dry-foot after Mr. *Lilburne, Walwine, &c.* and suborn witnesses against them, but (not having yet quite extinguished all sparks of truth and honesty, unless it be in their own breasts) failed of their purposes. Yet they go on to purge the Army (as they have done the Parliament and Conventicle of State) of all free-born humours (in order to their destruction) that the Army may consist of meer mercenary brutish spirits, such as will so far neglect the duties of men and Christians, as to execute all their tyrannous, bloody, illegal Commands, with a blind obedience and implicite faith, without asking a question for Conscience sake, the better to enslave both the Kingdom and Common Souldiers. In farther prosecution of this Delign, they have projected to levy seven new Regiments, which (by way of Gullery) they call *Presbyterian Regiments*, and shall be raised by Presbyterian Commanders, but those Commanders shall only be employed to countenance the work for a time, and then for pretended offences be purged out of the Army, if not out of this world, by the Council of Officers, and more confiding men put in their rooms: and then shall these new Officers and Regiments be used as Catch-poles and Hangmen (contrary to the honour of Souldiers) to persecute and execute such Members of the Army as retain any sense or memory of their old Engagements and Principles.

* I formerly told you of an underhand combination between the domineering Independent party here, and *Owen Roe Oneale*; which is now openly declared and avowed by their own licenced News-books. *Owen Roe* and Colonel *Monk* are joyned (saith the *Modest Narrative*) our Party have permutted 300. of *Oneals* own Regiment to Quarter in our parts amongst the *Creats* within two miles of *Dundalke*, (saith the *Scout*) *Owen Roe* and *Berne* are come towards Col. *Jones*, and Col. *Monks* Quarters, he is so fair as to pay Contribution: his Quarters are to the Scots side of *Dublin*, to prevent their giving aid to *Ormond* in his attempt upon *Dublin*: who can blame necessity? nor doe our Grandees now deny this Confecleracy with the bloody Popish massacring Rebels, although they had the impudence to make the only supposition thereof one of the principal Charges against

* 182.
The pretended Parliaments Council of State and Officers confederated with *Oneale*. See *An Aftergame at Irish*, &c. 1649. and the Propositions printed at Cork and reprinted at London. From June 6. 1649. June 8. 1649.

Moderate Intelligencer, from June 7. to 14. 1649. num. 221.

against the late King; and to raise a great out-cry against the Marqueis of *Ormond* and Lord *Inchiquine* for their conjunction with *Prston*: yet they joyned but to prevent the *Cromwellists*, who offered to associate with him upon conditions much more prejudicial to the Protestant Religion, and English Interests, than *Ormond* hath given them. They have offered this *Oneale* all the Lands in *Ulster* forfeited by his Grandfather *Tyrone*, *Shane Oneale*, and others attainted, thereby destroying the British Planters there; and this is the reason they imploy so few old Irish Commanders into those parts, lest the *Oneals* should doubt they came to recover their own lands again. But our Atheistical Saints account themselves loose when other men are bound, nothing but a halter can hold them; all obligations to men, all duties and vows to God, they break upon pretended necessity and honest intentions. Their Metropolitan Nuntio, *Judas Haclet*, tells you, *Their Party will not joyn with the bloody Irish, until they are brought to such a pinch, as to say,*

Flectere si nequeo superos, Acheronta movebo.

If God will not be the Author and Patron of their Designs, the Devil shall; you see these Independents hang between God and the Devil, *Michael* and the Dragon, not resolved which part to take.

Be it known unto all men by these presents, that *Harry Parker* 183.
the Observator is returned from *Hamborough*, and highly preferred to be Brewers Clerk, (*alias* Secretary) to *Cromwell*; to whose Designs he hath prostituted his pen. *Parker* the Observator.

There is lately come forth a Book of *John Meltons* (a Libertine, that thinketh his Wife a Manacle, and his very Garters to be Shackles and Fetters to him: one that (after the Independent fashion) will be tied to no obligation to God or man) wherein he undertaketh to prove, *That it is lawful for any that have power to call to account, Depose, and put to Death wicked Kings and Tyrants (after due conviction) if the ordinary Magistrate neglect it.* 184.
Meltons Book, the Tenure of Kings and Magistrates, &c.
I hope then it is lawful to put to death wicked *Cromwells*, Councils of State, corrupt Factions in Parliament: for I know no prerogative that usurpation can bestow upon them. He likewise asserteth,

See the Council of Wars Answer concerning the secured and secluded Members; from 6. June to 13. num. 3.

asserteth, That those, who of late, so much blame *Deposing*, are the men that did it themselves, (meaning the Presbyterians.) I shall invite some man of more leisure and abilities than my self, to Answer these two Paradoxes: But shall first give him these cautions:

1. That for the Polemick part he turn all his Arguments into Syllogismes, and then he will find them to be all Fallacies, the froth of wit and fancy, not the Dictates of true and solid Reason.

2. That for the Historical or narrative part, he would thoroughly examine them, and he will find few of them consonant to the plumb-line of truth.

3. That he would consider, that from the beginning of this Parliament there were three Parties or Factions in it:

1. The *Royalists*.
2. The *Presbyterians*.
3. The *Independents*.

For though they were not then notorious by their name, yet the Persons confederated were then extant and active; being a complication of all *Antimonarchical*, *Anarchical* heresies and schismes, *Anabaptists*, *Brownists*, *Barrowists*, *Adamites*, *Familists*, *Liber-tines* of all sorts; the true Heires and Successors of *John of Leyden* and *Knipperdolling* in all their principles and practices united under the general Title of *Independent*: and these were originally the men that by their close insinuations, solicitations and actings began, and carried on the War against the *KING*, with an intent (from the beginning) to pull down Monarchy, and set up *Anarchy*, notwithstanding the many *Declarations*, *Remonstrances*, abortive *Treaties*, *Protestations*, and *Covenants* to the contrary; which were Obligations (from time to time) extorted from them by the *Presbyterians*, although not strong enough to hold such subtle *Sampsons*, whose strengths to break such Witches lay not in their Bushes of Hair, but in the Ambushes of their Hearts, wherein there always lay hid some evasion, equivocation, or mental reservation, which, like a back-door, gave them leave to make an escape. In the beginning almost of this Parl. the *Independents* (that is, the *Schismaticks*) in the Parliament insisted openly upon it, to have the *Papists* in Ireland rooted out, and their Lands sold to Adven-

See the Mystery of the two Funtos, Presbyterian and Independent.

Adventurers, and passing an *Act* to that purpose, necessitated the *Irish Papists* to massacre the *English Protestants*, which was purposely done by the *Independents*, that both *Papists* and *Protestants* might destroy one another there, that they might the better subvert *Protestancy* in *England*, which is now in hand. And though it be true that the first *General*, the *Earle of Essex* was a *Presbyterian*, yet he was acted by *Independents*, as the *L. Sav* and others of the like stamp; and had a clause in his Commission [to forbear the King's Person] which clause upon the *Independents* new Modelling the Army under *Fairfax* was omitted at their especial instance.

Monday 18. June, 1649. came forth that most useful Book of *John Lilburns*, called [The Legal fundamental Liberties of the People of England Revived, &c.] wherein he excellently well sets forth the new usurped tyranny of that *Hydra* of *Nimrods* now subverting our Laws, Liberties, and Property, consuming us with illegal Taxes, Excise, Free-quarter, Monopolies, and sharing Land, Money, Goods, and Offices amongst themselves, perpetuating an Army to enslave us, and overthrow the fundamental Government of this Nation, in order to which they have complied with, and cheated all Interests, broken all their Obligations to God and Man, violated all the Laws of this Land, their own Protestations, Covenants, the Oaths of Allegiance, Supremacy (which themselves caused the People to take) and their own Votes, Declarations, &c. The illegality of their late erected High Court of Justice, and their unjust proceedings therein, the tyranny and usurpation of the Council of State and Officers of the Army. And proveth that Col. *Prides* new purged, new pack'd House, is neither a House of Commons, nor Parliament; their usurped Supreme Authority to be a meer nullity or fiction, and especially, That this Parliament is cleerly dissolved and ended, which he proveth by the Death of the King, and by many other solid Arguments; and therefore all their *Adings* to be void and null, with many other considerable passages, where he ingeniously confesseth, that being the Kings Prisoner at Oxford, with many other of the Parliament Party, the King did strictly observe the Laws of the Land in His proceedings against them, which this Parliament doth not do in any their most legal proceedings, for all their pretended Engagements, Declarations, Votes, Protestations and

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Cove-

185.
L.C. Lilburns
Book [The
Legal funda-
mental Liber-
ties of the
People, &c.]

Covenants to maintain and defend the Laws and Liberties of the People, Ergo, the King really, the Faction in Parliament, but pretendedly fought for our Laws and Liberties.

185.
Tythes to be
sequestred for
the State.

The Faction are now contriving to seize all the Tythes of the Kingdome into their own hands (yet they are the Ministers Freehold) and to make all the Ministers their stipendiary Lecturers, that they may preach and teach onely such Doctrine to the people as may bring them under a blinde and slavish obedience to our forty Tyrants of the new Council of State, presuming that all our Ministers carry their Consciences in their purses, because the Independents do so. Look to your wayes Christian Brethren, you are likely hereafter to have Oracles of State obtruded upon you instead of the Oracles of God. If the Ministers will not parret forth the new States Doctrine to you, they shall be starved out of their Pulpits.

187.
An Adjourn-
ment of this
pretended
Parliament
considered of.

The thing called a Parliament is now likely to have so general a purge as will leave neither life nor soul, dung, nor guts, in the belly of it. K. Oliver (unwilling to go for Ireland, and leave them sitting, who may unvote all he hath compelled them to vote) hath commanded his Journey-men to think of an Adjournment for some good time, that they may take the air, and grow wholesome again; and then (without some dire mischance) they never meet more; but this Supreme thing hath learned to use so much modesty to their Superiors, as to refer it to the *Hogens Mogens*, or Council of State, to consider what Votes and Acts they shall pass beforehand for establishing their Highnesses in their new Dominion: And when (out of their usurped Supreme Authority) they have conferred as much upon the Council of State as their ambitions aim at, they (good Boys) shall have leave to break up School and go into the Country to see their Friends, and visit their Foes; that is, all such as have full purses to be squeezed. Thus you see the method of Divine vengeance observes a Degradation; 1. Down went the King, and His Authority lapsed into the two Houses. 2. Down went the Peers House, and all Authority fell down into the Commons House. 3. Down goes the House of Commons, and the Supreme Authority translates it self into a Council of State. And (if my conjecture fail me not) 4. Down will go the Council of State, and all Authority be grasped into the
iron

iron bands of Campson Gaurus and his Mamaluchy, his Council of War, when they shall think fit to Act bare-faced without using a packt peece of a Parliament or Council of State as a screen or vizard to cozen and befool the people.

In order to which *Government by the Sword*, Cromwel is voted to go into Ireland with his own confiding Officers and Army, with all power Civil and Military for three years; what doth this import less than that he is to be K. of Ireland? there to practise the first rudiments of Kings-craft, and when he hath inured those Semi-barbarians to a Military Government, he shall return with his Janisaries, and subdue the English to the like obedience: In the mean time his property Fairfax shall be under the observation of the Council of State here, and be beleagured both in his own house and Army with *Olivers* Creatures; and in this dishonourable fickle condition he shall have the vain honour to keep *Olivers Regalia*, (the Crown sitting upon one side like a Fools Cap upon his head) until he return, and shall then be called to account for all odious and unfortunate accidents that shall happen (for it is not for the Majesty of *Oliver* to bear the blame, although they fall out by *Cromwell's* own oversights, or Gods anger upon him) thus *Cromwell's* shadow being removed, himself may take substantial and actual possession of the Throne which he already enjoys in all things but the Title. And then let all true Saints and Subjects cry out with me, *God save K. Oliver and his brewing Vessels.*

The Junto of Titular Supremists at Westminster (especially so many as have not packt themselves into the Council of State) are very unwilling to quit their long-held Dominion, and submit to their own Bastard-brood, *The Lords States at White-hall*; but there is no remedy, *Oliver* is resolved to unyoke his Cattel and turn them to grass; he knows they may unvot all they have voted at his Command, if (during his absence in Ireland or Scotland rather) a new emergent power should overawe them; the present fear being alwaies most terrible to Cowards. But the Council of State hath set them their task, which they must speedily perform before they Adjourn, consisting of 13 Points:

1. That all Acts concerning the Loans of Monies, Excise, Sequestrations, Goldsmiths-hall, Haberdashers-hall, Assesments for Eng-

188.

Cromwel voted for Ireland with full power Civil and Military.

189.

13 Bills in-joynd to be passed by the Commons before Adjournment.

land and Ireland be passed. These reprobate Saints will sooner forget their God, than their Mammon [money.] You see they mean to perpetuate our burthens, as well as their own Army; and domineer over us with an arbitrary, military tyranny for ever.

2. *That an Act be passed for setting the Militia of the Nation.* This amounts to a new-invented Commission of Array (lawful for usurping Saints, though not for a lawful King) by vertue of which the scum and dregs of the people (base enough to associate with the Army) shall be Armed, & all men of quality and fortunes (unless such as owe their fortunes to their crimes) dis-armed.

3. *Against exporting Wooll and Fullers Earth.* Unless it be for the benefit of the Saints.

4. *To prohibit exportation of Gold and Silver.* The Saints have exported all our Gold already, and most of our Silver; and will never give over the Trade themselves though they prohibit others. But Gold and Silver are drawn out of Mines Royal, and belong to the Saints by their Prerogative.

5. *An Act to be passed for punishment of Revolted Sea-men and Mariners.* None against traitorous, tyrannous, theevish Saints.

6. *An Act for relief of wel-affected Tenants against Malignant Land-lords; who have compounded for their Estates, rack their Tenants Rents, or turn them out of doors.* This is a device: First, to make work for such Members as not being of the Council of State, would become as contemptible as they are hateful, being destitute of all power to play the Tyrants after Adjournment. And secondly, to stir up all the Tenants of England (especially Schismaticks) to combine with them, against their Land-lords, and deprive them of the legal use of their Estates, and the benefit of their Compositions; for, to what purpose shall Gentlemen compound for their Estates, when they must let and set them at the discretion of domineering Committees, or Commissioners, conspiring with the high Shoos, to oppress, make a prey of, enslave and unspirit all the Nobility and Gentry of England here aimed at under the general Title of Malignants? Oh perfidious Tyrants! keep your money Gentlemen, or turn it into Iron and Gun-powder.

7. *An Act to suppress Malignant Pamphlets aspersing the present pro-*

proceedings of the Parliament, Council of State, and the Army, and prevent Printing as much as may be. This is to set truth in the pillory, whilst her counterfeits, impudent, lying and slandering fits in state in Parliament, Council of State, and Council of Officers, and rides triumphantly Coached into the City to Thanksgiving Devotions and Dinners.

8. That the Pulpits being as scandalous as the Press against their proceedings, they enjoyn that a more strict course be taken to stop the mouthes of the Preachers hereafter. You see how Abab-like these Subverters of Church and Common-wealth, accuse our Prophets for troubling our Israel (being their own sin) and seek occasion to bring a spiritual as well as a corporal famine upon the Land, cutting off the staff of bread as well from our souls as bodies, by stopping the mouths of Gods Ministers. But I hope they will remember the duty they owe to the honour of him that sent them upon his Embassage to his people, and fearing God more than Man, every man cry out to his own soul and conscience with S. Paul, 1 Cor. 9.16. *Va mihi si non predicavero, Woe be to me if I do not preach.*

9. That an Act be passed that that clause of the Stat. 23. Eliz. 25. Eliz. 1 Jac. against Seditaries, should be repealed, that none may be questioned thereby in the vacancy of Parl. What is this but to pray in aid of Turks, Jewes, Anabaptists of Munster, nay the Devil himself to joyn with them, as they have already joyned with Owen Roe Oneale, and his bloody massacring Irish Papists against the Protestant Religion, which was part of the designe of the schismatical Party in Parliament in waging war against the King from the beginning. See Sect. 184. the Marginal notes there. This impious Liberty of Conscience to destroy the Protestant Religion, is all the liberty we are like to enjoy under the Kingdom of these bloody cheating Saints, in all things else we are meer and absolute slaves.

10. That an Act for a General Pardon be passed to all Persons except such as are particularly named therein, and declaring no Pardon to any that shall for the future raise War in this Nation against the present Authority thereof. This is a project, 1. To pardon themselves and their Party for their transcendent villanies, and to stop the mouthes of the Countrey from complaining of them after

their Adjournment, and this shall be effectually done. 2. *To be-fool silly weak-spirited people with general words of a Pardon which shall be made ineffectual by many exceptions and limitations.* 3. *This is principally intended to fright men from attempting any thing against the usurped Supremacy and Tyranny of the Council of State; and therefore all Pardons to such Attemptors are beforehand declared against. This with them is (as a sin against the Holy Ghost) unpardonable; to deny their Supreme, Arbitrary Authority.*

11. *That the Act for relief of poor Prisoners for Debt may be passed.* Though I can with as much Charity as any Man with a relief to them; yet I like not that Charity should be made a cloak to ambitious Knavery; and all the Creditors of the Kingdom be made liable to the vexation of a covetous Committee, who, under colour of Charity shall raise up all the indebted Men of the Kingdom against all the monied Men, if they will not sacrifice their purses to the Fob-Gods of the new State, and be bountiful to the Committee; which is the full scope of this Proposition.

12. *That the Souldiers may be secured their Arreares out of the late Kings Lands.* This is to tie all the Souldiery by the purse-strings (which is Saints Tenure) to make good that horrid, traitorous Murther.

13. *That an Act be passed for Probate of Wills, Granting Administrations, and investing of Ministers presented.* These lunatique Saints should have thought upon a new way to be set up before they throw down the old one, and not have left men in an uncertainty how to dispose of their Estates, and a Justitium, a vacancy of Justice upon the Kingdom: you see what Mountebanks our new State-Juglers are. The good Boyes began to learn these Lessons upon Monday, 25. June.

The Council of State likewise reported to their said Free-School of Commons several things which they (in order to their future greatness) would put into a way during the Recess: against the Houses next meeting, when two Sundays come together.

1. *That Commissioners be appointed in every County to make an estimate of all Tythes, to the end they may be taken away for the future, and some other provision designed for Ministers. This is a whip and a Bell to lash Ministers to Preach State-Divinity.*

2. *That*

190.
Things under-
taken by the
Council of
State during
the Recess.

Part II. *The History of Independency.*

2. *That the Council of State consider of settling future Parliaments, and the constant time of their calling, sitting, and ending, after this Parliament shal think fit to dissolve themselves.* If they are not dissolved already (which is the constant opinion of many great learned Lawyers well-affected to the Parl.) they will never be dissolved without the help of a Hangman. But I would gladly know by what Authority a Pack of forty Knaves calling themselves a Council of State, and usurping Regal power, shall take upon them to abolish our ancient form of Parliaments, contrary to the fundamental Laws of the Land, their own Declarations, Protestations and Covenants, and to pack and shuffle new Parliaments, to dispose of our Religion, Laws, Liberties, Lives and Estates, against the consent of the far major part of the people.

3. *That they shall consider of an Act for regulating proceedings in Law, and prevent tediousness of Suits.* There are too many Lawyers in the Council of State to do any thing effectual that way; but it may be they will consider how to make the Lawes of the Land more suitable to an Olygarchical tyranny, and lesse agreeing with Monarchy.

4. *That they will consider what Lawes are fit to be repealed.* That is, all Lawes enjoyning uniformity in Gods Worship, all Monarchical Lawes, and all Lawes allowing more civil Liberty and Priviledges to the People, and to several Degrees of men than squares with the Designes of our new upstart State.

So many men have been cheated with Publique Faith, Irish Adventures, and Bishops Lands, that the Market is spoiled for Dean and sale of Dean and Chapters Lands, wherefore the Saints (being Chapters Lands purchased by the Godly. 191.) the onely monied men left in the Kingdome) have now agreed to buy them themselves, considering, that since they hold their Heads and all that they have in *Capite* of their Lords Paramount, the Council of Officers, they may as well buy dog-cheap, and hold Deanes Lands by the same Tenure. For which purpose they have their Broakers abroad to buy in Souldiers and Officers Debentures for Arrears at 5s. and 6s. in the pound, though they are allowed the whole summ of the Debentures in the Purchase, which doubling in ready money, they purchase upon such easie particulars, as brings it down from ten years purchase, to two or three years purchase. They are not seen in the business themselves

selves, but buy them in other mens names, and to the secret use of their Wives and Children. The Lord *Munson*, *Hump'ry Edwards*, and Sir *Greg. Norton*, (who hath sold his own Land to purchase new upon this Title) and many other Saints have lately trod this obscure path.

192.
Souldiers in-
solencies re-
mediless.

Great complaints are made by the Countrey of the Souldiers insolency (amongst many other things) in putting their Horses into mowing Grasse. The General hath ordered the next Officer in chief to cause double damages to be given by the Souldier; and if the said Officer neglect, he is to answer it at a Council of War at the Head Quarters. This remedy is worse than the disease, and as meer a gullery as the Act for taking off Free quarter. The chief Officer will laugh at the Complainant, the Head Quarters are far off, and the Council of War will tire him with delays, and expose him to more injuries of the angry Souldiers. The Officers will not, nor dare not keep a strict discipline.

193.
The Earl of
Denbigh and
Henry Martin
referred to
Committees.

The Earl of *Denbigh* referred to the Committee of the Revenue to consider the Arrears of his Embassie in *Italy*, and of his 1000. Marks *per ann.* pension bestowed upon him by the late King. If his deserts had been better, his Reward had been worse, and worse paid. Also *Henry Martins* Losses and Arrears referred to the consideration of a Committee. If the Committee would know what *Harry* hath lost, they must examine his Barber-Surgeon. *Rowland Wilsons* Arrears and Losses, and the *L. Gray's* Charges and Arrears to be considered and reported: you see charity begins at home, and the Members exercise it (for the most part) in their own House.

194.
The Council
of State au-
thorized to
grant Letters
of Marque.

June 25. An Act passed, to enable the Council of State with absolute power to grant special and particular Letters of Marque or Reprisal in the name of the Keepers of the Liberties of England by Authority of Parliament: what is this but to empower the Council of State to make War at Sea with all Princes and States at their discretion? they have already so far decayed all the Trade of this Nation, that ere long Traffique will be totally destroyed; whereby our Sea-men with their Ships will be necessitated (for want of employment) to revolt to the PRINCE: to prevent which inconvenience, they will find work for them by granting
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so many particular Letters of Marque to all such as shall but pretend themselves wronged by Foreign Nations as will amount to a General practice and profession of Piracy, and turn *England* into a second *Argires*, whereby all Princes and States will be provoked to make a Pyratrical War upon *England*, as against a Den of Theeves and Robbers, Common Enemies to Traffick and humane Society : as the *Romans* did under the Conduct of *Pompey*, against the *Cilician*, and other Asiatick Pyrats.

Captain *Tounge* hath blown up with Gun-powder a Ship of the Princes, called the *Antilope*, lying at Anchor in *Helverslince*, under the protection of the States of *Holland*; whereby the Chamber of *Holland*, and the honour of their Inland Sea is ravished from them. By this, and by some former actions of the like insolvency (as the firing upon their Ships, and killing their men for not striking Sail to them) you may see what good Neighbourhood the *Dutch* are like to have of their younger brother State, when they are once settled and confirmed in their yet infant Government: even the very same which the *Carthaginians* found after the new erected Commonwealth of *Rome* grew up to maturity, which proved so dangerous a Competitor in point of power, profit, and honour, as buried the more ancient Free-State of *Carthage* in its Ruines. *Free-states* (especially *Aristocracies*) are very quarrellsome with their Neighbours, and never want many of their Patrician most potent Families ambitious to increase their own power and glory by Wars: and therefore seek occasions of quarrel with their Neighbours; such was the whole Family of the *Barchines* at *Carthage*; the *Scipio's*, *Fabii*, *Camilli*, *Craffi*, *Pompeii*, *Casares*, and many more at *Rome*: Thus was *Greece* torn in pieces by its Free-states.

The Commons have bestowed *St. Crosses* Hospital upon *Cooke* for acting the part of an Attorney General against the late King. It is fit every *Judas* should have his reward; the New Park in *Surry* bestowed upon the City in reward of their Thanksgiving Dinner, that the new-packed Court of Aldermen and Common-council may not want Venyson to fill their Wives Bellies, nor they Brow Antlers to hang their Hats on.

195.
Cap. *Tounge's*
blowing up
the *Antilope*
in *Helverslince*
with a Caution.

196.
More Gifts to
the Godly.

197.
Order 9. *June*
1649. refer-
ring all secu-
red and se-
cluded Mem-
bers to be ex-
amined before
a Committee.

The 9. *June* the Commons (about 46 in number) had passed an Order concerning their secured, secluded, and absented Members, and referred all such as had not already entred their dissent to the Vote, 5. *Decem.* 1648. to a Committee to give such satisfaction to them as the House should approve of before the 30. of *June* instant, or else the House would take order for New Elections. This was to bring the said Members (300 in number at least) to the winnowing, that they might admit such as were for their turn to recruit their thin House, and expel the rest: few repaired to them, and of those very few were chosen, the Speakers Son, Sir *John Treavor* (who hath a Monopoly of 1500*l.* per annum, out of *Newcastle* Coles, for which he was many Months kept out of the House, and at last admitted (onely to comply with the Faction) and his said Monopoly continued) Sir *Henry Haymonde*, and two Sons of the Earl of *Pembroke*, were received. This was thought very unreasonable that so many Gentlemen either kept out, or driven away by force should, by a far less number sitting and acting under the same force, be sent to attend a Committee, to stand with their Hatts off to *Holland*, *Scott*, &c. and be examined and expelled for giving their Votes (Yea, or No) in the House according to their Consciences. This was to subvert the Liberty of all Parliaments for the future, and to make this House (which calls it self a *Parliament*) a meer packed *Jumo* to carry on forelaid Designs. Besides, to expect they should approve all that the sitting Party in the House had done in the absence of these non-sitting Members, who neither heard the Debate, nor reasons, whereupon they grounded their Votes against the King and House of Peers, nor for the abolishing Monarchy, and turning it into a Free-state, erecting a Council of State for that purpose, voting the Supreme Authority to be in themselves, and many other matters of the like high nature, which have no place in the Laws of *England*, was such an imposition as neither agreed with the known Parliament Priviledges, Liberty of Conscience, (so loudly professed by these sanctified Members which sit) nor with humane reason and sense. And at last to sit under those Armed Guards that put a force upon them (the 6. *Decemb.*) before, promised as little of safety, unless they would renounce their own Consciences and Act
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the wills of their Janisaries and their Party; and would render them contemptible to all the world, especially to those men who put this insolency upon them.

I formerly told you how unwilling the Members were to adjourn and resign their more than Kingly Power to the Council of State; wherefore *Cromwel* finding he could not obtain that of them by a Vote, projected another way to work his Design, not the old way of a violent purge by securing and secluding the Members with his Myrmidons, that is already infamous, and would savour too grossly of the Power of the Sword; and would shew *Oliver* to be rather a Quack-salving Doctor of Physick than a Doctor of the Civil Law. He caused the Officers therefore to frame certain Articles of Impeachment against *Mr. Lenthall* their Speaker, as followeth :

168.
Articles of Impeachment against the Speaker.

Note that *Oliver*, before he left the Town, erected a Committee of Officers of the Army to pro-

secute and bring to punishment grand Delinquents. This is a new kinde of Star-Chamber of military Nobles, held like a Rod over the Mock-Parliament. Council of State, and the General, in case they shall oppose *Oliviers* Designs.

1. **F**or releasing out of New-gate three of the Queens Priests and Jesuits by his Warrant.
2. For maintaining and protecting several Spies and Agents for the late King within the Line of Communication during the late War.
3. For conveying divers remarkable prisoners of War out of the Line of Communication unto the late King.
4. For assisting and protecting several Plotters on the behalf of the late King, to destroy the City of London.
5. For suffering above 30000 l. to be conveyed to the late King out of the Line of Communication, wittingly and willingly.
6. For sending Horses of War, with Men and Arms to the late King.
7. For holding an intercourse of Letters with the late King.

221
-1A 10000
vrom 300
down 30
10000 10

8. For maintaining and keeping an Agent in the Garrison of Oxford, for expediting the foregoing Treacheries.

9. For corrupting many Members of the Parliament, some lately excluded, and some now sitting in the House to conceal and smother the foregoing Treacheries.

10. For endeavouring to take away the Lives of several the Prosecutors and Witnesses unto the foregoing Treacheries.

You see there is not one word in them of Coufening the Commonwealth (which is now become the Private wealth of every particular Saint) because this would have broken universally the whole communion of Saints, and would have set them all together by the ears, to defend themselves by recriminating one another: The device was, by taking off the Speaker to Dissolve them, since they cannot by the Priviledges of the House chuse themselves a new Speaker without the consent of a power higher than their own (to wit) the Kings, and though they will be so much Masters of their own Priviledges, as to coyn new every day upon emergent occasions, yet those irregularities are alwayes done under the power and protection of the Sword, which they could not expect against their own Visier *Bastha Oliver*. This trick being smelt out, was so highly resented, that it perished in the birth; only (I hear) the Speaker bled in private 15000 l. towards *Olivers* expedition.

199. All the sinks of tyranny and oppression about the Town, the Committee of the Revenue, Goldsmiths hall, Haberdashers hall, the Excise Office, &c. are all emptied into that Common-Sewer *Olivers* expedition into Ireland (or rather Scotland) or engaged as a security to furnish him with 150000. part whereof onely he is accountable for; the residue is left to his discretion and conscience to buy Towns and Victories with, and to be offered upon an Altar to be erected *Deo ignoto*.

At *Olivers* request, the House admitted Sir *Edward Ford* to compound upon the Articles of *Oxon*, notwithstanding his lapse of time; *Forde* married *Ireton's* Sister, and the Lord *Culpepper's* Son

30000 l. Ad-
vance money
for *Cromwells*
expedition.

Son married *Forde's* Daughter. Observe how the General is lessened to advance *Cromwel*. 1. The Command of the Irish Forces taken from him, and *Cromwel* sent with a Higher power than ever any went with into that Nation. 2. All Souldiers that will, are enabled to leave their Regiments, and List under *Cromwel*: so that the discontented and Levelling Party onely are left under the command of *Fairfax*.

Col. *Martin's* Accounts brought into the House, 3. July, 1649. his Arrears came to 25000*l.* and 1000*l.* per ann. Land ordered to be setled upon him and his Heirs. The Lord *Gray of Grooby's* Arrears for the last Summer only against Duke *Hamilton*, 1500*l.* These things considered, I cannot wonder at the Petition presented to the General by Captain *Jubbs*, in the name of Col. *Husn's* Regiment about July 6. wherein (amongst other things) they complain, That the House doe weekly bestow 1000*l.* per ann. upon themselves out of the publike Treasury of the Nation, when the Souldiers wants are great, and all the people are in great necessity.

200.
More Gifts to
the Godly.

The Moderate,
from July 3. to
July 10. 1649.

As if the dividing of the Army, and putting the most confiding men under *Cromwel*, the taking the whole command of Ireland from the General, and conferring it upon *Cromwel*, the lessening the drawing dry all Treasuries of Money to furnish *Cromwel*, and leaving no Money to content the Generals remaining part of the Army, the turning the odium of seizing and secluding the Members, and Murdering the *KING*, upon the General, were not sufficient diminutions of the General, and augmentations of his Lievtenant General: The Welch Counties are set on work to desire *Harry Martin* for their Commander in Chief; and the Western Garrisons (the most considerable of England) are to be taken from the General, and put into the hands of *Cromwel* and his Party, for his retreat from Ireland; so that if all this do not enable him to ruine the General, it will (at least) enable him to divide the Army, and cantonize the Kingdome, and turn the General into the dangers and troubles of the starving, forlorn, North Counties bordering upon Scotland. And if *Cromwel* find Ireland too hard a bone for him (it is thought) he will endeavour to surprize the Isle of Man, and from thence infest Scotland and Ireland.

201.
Endeavors to
lessen the Ge-
neral.

202.
An Inquisition
for blood, an
ingenious
piece newly
come to light.

About the 18. July, 1649. was presented to the world an ingenious Piece, entituled, [*An Inquisition for Blood*] to the Parliament, *in statu quo nunc*. And, to the Army, *Regnante*: wherein the Author proves, That the KING did not take the guilt of blood Himself by granting the Preambulatory Proposition in the late Treaty in the Isle of Wight, in these words, (*viz.*) That he acknowledged that the two Houses of Parliament were necessitated to undertake a War in their own just and lawful Defence, &c. And that therefore all Oathes, Declarations, or other publique Instruments against the two Houses of Parliament, or any for adhering to them, &c. be Declared null, suppressed and forbidden.

1. His Majesty in yielding to this Grant, had reference to two ends: 1. To prepare the way to peace, which without this had been hopeless. 2. To secure and indemnify the two Houses, with all their Adherents, and rid them from those despairing fears and jealousies which made them adversaries to Peace.
2. For the words of the Preamble, they were not of His penning, He was not Author of them, but an Assentor to them: nor was He, or his Party accused or so much as mentioned in them.
3. He made this Concession *sub stricta novacula*, when the Razor was (as it were) at his throat: 1. An Army of 30000. Horse and Foot effective against Him. 2. When He was endangered and tired out with a long and close Imprisonment. 3. When many dangerous and menacing Petitions against His life, had been encouraged and entertained: so that the King may seem to have been necessitated to yield to this Grant for His own just and lawful defence.
4. His Majesty passed this Concession with these two Proviso's: 1. That it should be of no validity until the whole Treaty were intirely consummated. 2. That He might, when he pleased, enlarge and clear the truth with the reservedness of his meaning herein with publick Declarations. Now the Treaty being powerfully carried on without Debate, or receiving any Proposition from the King, as was capitulated (and reciprocal Proposals are of the Essence of all Treaties) this Grant could never bind Him.
5. This Grant was a meer Preambulatory Proposition not of the

the Essence of the Treaty. Philosophers and School-men tell us, No valid proof can be drawn out of Proems and Introductions, but out of the body of the Text. So in the Laws of England, and in all Accusations and Charges, Prefaces and Preambles are not pleadable. They are the last in penning of Laws, least in account, nor never had the force of Laws.

There's not a syllable in this Preface which Repeals any former Law inflicting a Penalty upon such Subjects as bear or raise Arms against their KING: nor those Laws which (*à contrario*) exempts from punishment all Subjects adhering to the Person of the KING in any Cause or Quarrel.

Whereas the said Preface saith, the two Houses were necessitated to make a War, &c. This may relate to a necessity *à parte post*, not *à parte ante*, self-defence is the universal Law of nature, extending to all Creatures; it is, *non scripta sed nata Lex*. Therefore when the two Houses (or rather a schismatical Party in them) had brought upon themselves a necessity of Self-defence, His Majesty was content to acknowledge that necessity. If one man assault another upon the High-way, and the Assailed furiously pursue the Assailant, putting him to the defensive part; the Assailant is now necessitated to fight in his own defence, although he drew that necessity upon himself, yet is he now excusable *à posteriori*, not *à priori*. And as Civilians say of clandestine Marriages, *Quod fieri non debuit, factum valet*; for *multa sunt quæ non nisi peracta approbantur*.

Lewis the 13. of France, had many Civil Wars with his own Subjects, amongst other Treaties to compose them, upon the Treaty of Lodun he was enforced to publish an Edict, approving of all that had been done by his Opposites as done for his service. The like extenuations are not unusual at the close of Civil Wars; and the only use made of them was never other than to make the adverse Party more capable of pardon, to secure them against the brunt of the Laws, to salve their credits, and pave the way for an Act of Oblivion, and restore a settled peace; Peace and War, like Water and Ice, being apt to beget one another. But never was use made of such Grants to ruine the King that Granted them, or his Party.

Thus having confuted that misprision, That the King by Grant-

Proems to
Lawes are
condemned
by many
Lawyers and
Politicians.
*Est nihil frigidius Lege
cum Prologo,
jubeo lex, non
suadet.*

6.

7.

By raising
Tumults, &c.

ing that Introductory Proposition, had taken all the Blood upon His Score: my Author having cleared his way to his farther Inquisition after Blood, proceeds, and tells you, *Blew-Gap was the first that opened the Issue of Blood by entering England, and shewing Subjects the way of representing Petitions to the King upon their Pikes points: That the Irish took their rise from him.* And whereas occasion was taken to calumniate His Majesty for having a fore-knowledge thereof (amongst many other convincing Arguments to clear him) my Lord Macguire upon the Ladder, and another upon the Scaffold, did freely and clearly acquit Him. And (in regard great use was made of the Irish Rebellion to imbitter the People against the King) the Author winds up the causes thereof upon one bottom. Telling you

1. They who complied with the Scots in their first and second Insurrection.

2. They who dismissed the Irish Commissioners (sent to present some grievances to the Parliament) with a short, unpolitick harsh Answer.

3. They who took off *Straffords* Head (the onely Obstructor of that Rebellion) and afterwards retarded the Earl of *Leicejters* going into *Ireland*.

4. They who hindered part of the disbanded Army of 8000. Men, raised by the Earl of *Strafford*, being Souldiers of Fortune, to go serve the Spaniard, as his Majesty had promised the two Spanish Ambassadors, the Marqueses of *Velada* and *Malvezzi*: which cashiered discontented men first put fire to the Tumult. They who did all this, are guilty of the Irish Rebellion, and of the blood of above 100000 Protestants who perished in that War. Adde, They who importuned the King (contrary to His judgment) to make the Irish desperate by passing an Act to confiscate their estates, and grant them away to such as should advance Monies upon Irish Adventures.

Touching the War kindled in *England*, the Author confesseth it was a fatal thing there should be a withdrawing of the Kings Person from the Parliament. But averreth it was a barbarous thing that the King with above four parts in five of the Lords, and two parts in three of the Commons, should be frightened away by Tumults raised by *Ven* and *Bourges*, and a Design

sign to seize the Kings Person; yet it is fit it should be remembered.

1. *What reiterated Messages his Majesty sent*, offering to return, if there might be a court taken to secure his Person, with those Peers and Commons rioted away.

2. *That there was not the least motion towards War*, until Hotham shut the Gates of Hull against the King, attended onely with some few of his household servants; which Act of his was approved of afterwards by the House of Commons Vote, as if he had done it by their warrant.

3. *That a while after, there was an Army of 16000. men effective* inrolled about London, to fetch Him to His Parliament, and remove ill Counsellors, under the Earl of Essex, long before the King began to set up His Standard.

4. *That the same Army so raised*, to bring the King to His Parliament, was continued two years after to keep Him from His Parliament.

5. *Who interdicted Trade first, and brought in Foreign Force to help them? and whose Commissions of War were near upon two years date before the Kings.*

6. *That in all His Declarations, He alwayes protested, He waged not War against the Parliament, but against some Seditious Members, against whom He could not obtain Common Justice.*

7. *That upon all good Successes, the King still courted the Parliament and City to an Accommodation.*

8. *That upon the Treaty of Uxbridge, The King moved, that (to prepare mens mindes to Peace) there might be freedom of Trade from Town to Town: A cessation of all Acts of Hostility for the time, that the inflammation being allayed, the wound might be cured the sooner.*

9. *That this present Army remember how often in their Proposals and Declarations they protested, That their aim was, to restore His Majesty with Honour, Freedom, and Safety, whereunto they were formerly bound by their Protestation and Covenant; and that the two Commanders in Chief pawn'd their Souls to Him thereupon.*

10. *That to settle Peace, the King did in effect (by His Con-*
F f
cessions)

cessions) part with His Sword, Scepter, and Crown, and every thing that was personal to Him.

11. With what admired Temper, Prudence, Constancy, He comported Himself in His Afflictions; and how many of His engaged Enemies became His Converts thereby, speaking Panegyrics in His praise.

12. That though there be some precedents in our Histories for Deposing Kings in point of Competition for the Crown; yet it is unexampled, That a King of England, of an undoubted Title, should be Summoned, Arraigned, Tryed, Condemned, and Executed at His own Door, by His own Subjects, and by the Name of their King, to whom they had sworn Allegiance; Contrary to the whole Current of the Law, which saith, *The King can do no wrong*, *The Crown takes away all defects*: Wherefore it was adjudged superfluous to take off Attainders, under which Hen. 7. and Queen Eliz. lay, because the Crown wiped off all Blots. *Rex non habet Parem in suis Dominis nec Superiorem, satis habet Rex ad pnam, quod Deum expectat ultorem*. If therefore by the Laws of the Land, all men must be Tried by their Peers, and the King have no Peer, what power had these Men to Arraign their King? to be both His engaged Enemies, Accusers, and Judges; and to Erect an unpresided Tribunal, without the least Foundation in Law, with power, and purpose to condemn all that came before it; and that Sentence of Death should pass without conviction, or Law, against the Head, and Protector of our Laws, and Fountain of Justice and Mercy.

13. That they who (by their own Confession) represent but the Common People, should assume power to cut him off, who immediately represented God.

203.
Mr. Pryn's excellent Book entitled [A legal Vindication of the Liberties of England] About the same time Mr. William Pryn Assigned his Reasons, why he could neither in Conscience, Law, nor Prudence, voluntarily submit to pay the Arbitrary illegal Tax of 90000 l. a Month, imposed upon the People, by a pretended Act of the Commons, bearing Date 7. of April 1649. towards the maintenance of Forces to be continued in England and Ireland. illegal axes, and pretended Acts of Parliament abridged in part, but the whole commended to be seriously read by all men.

Because

Because by the *Fundamental Laws*, and known Statutes of this Land, No Tax, &c. ought to be Imposed, or Leavied, but by the Will and common Assent of the Earls, Barons, Knights, Burgessees, Commons, and whole Realm, in a free and full Parliament. See *Magna Charta*, 29, 30. Stat. 25 Edw. 1. chap. 5, 6, 34 Edw. 1. De Tallagio non concedendo, c. 1. 21 Edw. 3. Rot. Parl. nu. 16. 25 Edw. 3. c. 8. 36 Edw. 3. Rot. Parl. nu. 26. 45 Edw. 3. Rot. Parl. nu. 42. 11 Hen. 4. Rot. Parl. nu. 10. 1 Ric. 3. c. 2. The Petition of Right, and Resolutions of both Houses against Loans, 3 Car. The Votes and Acts against Ship-money, Knight-hood, Tonnage and Poundage, and the Star-chamber this Parliament, 17, 18. Car. agreed to by Mr. William Hackwel, in his Argument against Impositions. Judge Hutton and Crook in their Arguments; Mr. Saint Johns in his Argument and Speech against Ship-money, with others Arguments and Discourses upon that subject. Sir Ed. Cook in his 2 Instit. pag. 59, 60, 527, 528, 529, 532, 533. But this Assessement was not so legally imposed, Ergo, I, nor no man else ought to pay it. 1. This Tax was not imposed by any Parliament; The late Parliament being actually dissolved above two months before this pretended Act was passed for imposing it, by the Murder of the King, as is resolved by the Parliament. 1 Hen. 4. Rot. Parl. nu. 1. 4 Hen. 4. and 1 Hen. 5. Rot. Parl. nu. 26. Cooks 4. Institutes, p. 46. 4 Edw. 4. 44. 6. For the King being both the Beginning, End, and Foundation of Parliaments (according to *Modus tenendi Parliamentum*, and Sir Edw. Cook 4. Instit. p. 3.) which are Summoned and Constituted only by his Writ, the Writ is actually abated by his Death. 1 Edw. 6. c. 7. Cooks 7. Rep. 30, 31. Dyer 165. 4 Ed. 4. 43, 44. 1 Ed. 5. 1 Brook Comission, 19. 21.

It appears by the Writs of Summons to the Lords (Crompt. Jurisdiction of Courts, fol. 1. Cooks 4. Instit. p. 9. 10.) and of Elections, *Quere, How a Parliament* and leavying their Wages: That the Parliament was only Par-Summoned *Parliament nostrum*, the Parliament of the Kings that is Dead, by the Writ of K. Charles

I. and called *Parliamentum Nostrum ad tractandum nobiscum super arduis negotiis regni nostri*, can be continued one and the same Parl. after the Kings death that called it; and the Monarchy changed into a Commonwealth? formally it cannot be the same, the Head thereof being gone. The Lords House and Monarchy being abolished, and the State not the same; materially it cannot be the same, so many of the ancient Members being thrown out, and new ones unduly elected brought in. But there are some pragmatikall Taylors in the House, who can make a garment fit for all states of the Moon, and a Parl. fit for all changes of the State.

not of his Heirs and Successors, They are all Summoned to come to his Parliament to advise with him (*nobiscum*, not with his Heirs and Successors) of great and weighty Affairs concerning, *Nos & Regnum nostrum*, Him and his Kingdome, 5 *Edw.* 3.6. part 2. *Dors. Claus. Regist. fol.* 192, 200. So the King being dead, and his Writ and Authority by which they were Summoned, and the end for which they were Called: *Ad Traclandum ibidem nobiscum*, super arduis negotiis nos & statum Regni nostri tangentibus, being thereby absolutely determined without any hope of revival: The Parliament is determin'd thereby, especially as those who have Dis-inherited his Heirs and Successors, and Voted down Monarchy it self, and the Remnant now sitting are no longer Members of Parliament, as all Judges, Justices of the Peace, Sheriffs, made onely by the Kings Writ or Commission, and not by Patent, Cease and become void by the Kings death, for this very reason, because they are constituted, *Justitiaros & Vicecomites nostros ad pacem nostram, &c. custodiendum*. The King being dead, his Writs and Commissions expire with Him. 4 *Ed.* 4.43.44. *Brook Office and Officer* 25. *Commission*, 19.21. *Dyer.* 195. *Cook* 7. *Rep.* 30, 31. 1 *Ed.* 6.c.7. *Daltons Justice of Peace*, chap. 3. pag. 13. *Lambert*, pag. 71.

Object.

If any object the Act of continuance of the Parliament, 17 *Car.* That this present Parliament shall not be dissolved unless it be by Act of Parliament for that purpose.

Ans.

It is Answered, That it is a Maxim in Law, That every Statute ought to be expounded according to the intent of those that made it, and the mischiefs it intended onely to prevent. 4 *Edw.* 4.12. 12 *Edw.* 4.18. 1 *Hen.* 7.12, 13. *Plowdens Comment.* fol. 369. *Cooks* 4. *Institutes* pag. 329, 330. Now the intent of the Makers of this Act, was not to prevent the Parliaments dissolution by the Kings Death (no wayes intimated in any clause thereof, although it be a clear dissolution of it to all intents, not provided for by this Act) but by any Writ, or Proclamation of the Kings by his Regal Power, without the consent of both Houses, which I shall prove by the Arguments following.

1. From the principal occasion of making the said Act. The Commons in their Remonstrance, 15. Decemb. 1642. complain, That the King had dissolved all former Parliaments against approbation of both Houses of Parliament; Wherefore to prevent

the

the Dissolution, Prorogation, or Adjournment of this present Parl. by the Kings Regal Power, after the Scots Army should be disbanded, and before the things mentioned in the Preamble could be effected, was the ground and occasion of this Law: and not any fear of Dissolving the Parliament by the Kings death, Natural, or Violent, which is confessed by the Commons in the said Remonstrance, *Exa^{ti} Colle^{ti}*. pag. 5, 6. 14, 17. compared together, where they Affirm, The abrupt dissolution of this Parliament is prevented by another Bill, &c. In the Bill for continuance of this Parliament, there seems to be some restraint of the Royal power in Dissolving of Parliaments; not to take it out of the Crown, but to suspend the execution of it for this time, and occasion onely, which was so necessary for the Kings own Security, and the Publick Peace, that without it we could not have undertaken any of those great Charges, but must have left both Armies to disorder and confusion, &c.

2. The very Title of this A^t [an A^t to prevent inconveniences which may happen by the untimely Adjourning, Proroguing, or Dissolution of this present Parliament] intimates as much, compared with the body of it, which provides as well against the Adjourning, or Proroguing without an A^t, as against a Dissolution. Now the Parliament cannot be said to be Adjourned, or Prorogued untimely by the Kings Death (which never Adjourned, or Prorogued any Parliament) but onely by his Proclamation, Writ, or Royal Command to the Houses, or their Speaker executed during his life-time, See Parl. Rolls, 6 Edw. 3. 2. Rot. Parl. 3. 6. 5 Ric. 2. n. 64, 65. 11 Ric. 2. nu. 14, 16, 20. 8 Hen. 4. nu. 2, 7. 27 Hen. 6. nu. 12. 28 Hen. 6. nu. 8, 9, 11. 29 Hen. 6. nu. 10, 11. 31 Hen. 6. nu. 22, 30, 49. and Cooks 4. Instit. p. 25. Dyer fol. 203.

3. The Prologue of the A^t implies as much, whereas great sums of Money must of necessity be speedily advanced for relief of His Majesties Army (not his Heir or Successor) and for supplying other His Majesties (not his Heires, nor Successors) occasions, which cannot be so timely effected as is requisite, without credit for raising the said Monies; which credit cannot be attained until such Obstacles be first removed, as are occasioned by Fears and Jealousies; That this Parliament may be Adjourned, Prorogued, or Dissolved, before Justice shall be duly executed

cuted upon Delinquents (then in being, as Strafford, Canterbury, not since made) Publique Grievances (then complained of, as Star-chamber, High Commission, Ship-money, Knighthood-money, Tonnage, and Poundage, &c.) redressed: Peace concluded between the two Nations, sufficient provisions made for repayment of the said monies (not others since) so to be raised. All which expressions related onely to His late Majesty, as to His Acts of Royal Power, not to His Heires and Successors, after His Natural (much less) Violent death, which was not then thought on, but publickly Detested, and Protested against; no Man being so hardy as to mention it for fear of the Law, not then subdued by the Sword; And the several Principal Scopes of this Act are fully satisfied long before the late Kings death.

4. It is clear by the Body of this Act; And be it declared, &c. That this present Parliament, &c. shall not be dissolved, unless it be by Act of Parliament to be passed for that purpose; nor shall at any time, or times during this present Parliament, be Adjourned, or Prorogued, unless it be by Act of Parliament to be passed for that purpose; and that the House of Peers shall not at any time, or times, during this present Parliament, be Adjourned, unless it be by themselves, or by their own Order. And in like manner, That the House of Commons shall not at any time, or times be Adjourned, &c. as aforesaid. From whence it is undeniable.

1. That this Act was onely to prevent untimely Dissolving, Proroguing, and Adjourning of that present Parliament then assembled, and no other, by Acts of Royal Power.

2. That the King was the Principal Estate, and Member, yea, our Sovereign Lord, the sole Declarer, and Enacter of this Law, by Assent of the Lords and Commons.

3. That neither this Act, nor any other, for Dissolving, Proroguing, or Adjourning this Parl. could be made without the Kings Royal Assent, which the Lords and Commons in their Remonstrance, 26. May, 1642. often acknowledge, together with His Negative Voice to Bills, exa^{ti}. Collect. p. 69, 70. 736. 709. 722.

4. That it was not the Kings intent in passing this Act, to shut Himself out of Parliament, or create Members of Parliament without a King, as He professeth, *Exa^{ti}. Collect. p. 15.* Nor the Lords and Commons intent to Dis-member Him from His Parliament,

ment, and make themselves a Parliament without Him, as their said Remonstrance testifies; and the words of the Act import, much less was it their intent to pack a Parliament of 40 or 50 Commons onely, selected by Colonel Pride, to Vote according to the Dictates of a Council of War, after they had destroyed the King, and House of Peers: Against which transcendent usurpation this very Act provides, That the House of Peers shall not be so much as Adjourned, or Prorogued, but by themselves, or their own Order.

5. Neither did King, Lords, and Commons, in passing this Act intend, That by Murdering the King, Abolishing the House of Lords, and expelling by power of the Sword eight parts of ten of the Commons, the remaining Faction should constitute themselves, their Heires and Successours, a perpetual Parliament, which would Crosse, and Repeal the Act for a Triennial Parliament made on the same day in Law. Brook, Parliament 80. Relation 85. Dyer 85.

It is against the nature, and essence of a Parl. to be Perpetual, and against the Liberty of the People.

6. The last Clause of this Act concludes as much. And that all, and every thing, or things whatsoever done, or to be done (to wit, by the King, or his Authority) for the Adjournment, Proroguing, or Dissolving of this Parliament, contrary to this present Act, shall be utterly void and of none effect. Now Death of the King, and Dissolution of this Parliament thereby, cannot properly be stiled a thing done, or to be done by the King, if by those words (things done, or to be done for the dissolving, &c.) they shall say, they related to the Kings Natural Death: Natural Death is the Act of God, which these Saints cannot make void, if they related to His violent Death, it could not then be said a thing done, or to be done for the unlawfulness and injustice of it. This Act passed long before any War or Bloodshed; The onely pretence they have since found out for the Kings Murder.

2. If this Parliament were not Dissolved by the Kings Death, Yet the House of Peeres (formerly Voted) down by the Commons, gave no consent to the passing this Act, Entituled, An Act of the House of Commons; who, without the concurring Assent of the Lords, and the Kings Royal Assent, have no power to passe any Act, Make, or Declare any Law, or impose any Tax, as appears by the fore-recited Acts; The Petition of Right, The Act
for

for the Triennial Parliament, and this very Act against Dissolving, Proroguing, &c. with all our Printed Statutes, Parliament Rolls, and Law-Books. The Commons being so far from claiming the sole Legislative power heretofore, as that they were not Summoned to our Ancient Parliaments, (which consisted onely of King, Lords, Temporal and Spiritual) until 47 Hen. 3. nor had they so much as a House of Commons, or Speaker, until the Reign of Edw. 3. nor never tendred any Acts, or Bills to the King, but Petitions onely of Grievances, until long after Rich. 2. time. See the Printed Prologues to the Stat. 1, 4, 5, 9, 10, 20, 23, 36, 37. 50 Edw. 3. 1 Ric. 2. 1, 2, 4, 5, 7, 9, 11. 13 Hen. 4. 1, 2, 3, 4, 8. 9 Hen. 5. 1, 2, 3, 4, 6, 8, 9, 10, 11, 14, 15, 28, 29. 39 Hen. 6. 1, 4, 7, 8, 12, 17. 22 Edw. 4. 1 Rich. 3.

3. But suppose the Commons alone had power to impose Taxes, yet it must be in a full, and free House: whereas, when this Act for 90000l. a Moneth passed, the House was neither Full, nor Free, The Major part of the House (who by Law are the House) to wit, 8. parts of 10. at the least, being Secured, or Secluded by Col. Pride, and his Souldiers, by Confederacy with those 40 or 50 then sitting when this Act passed, and passing the Wills of the Council of Officers, to the subversion of Parliaments, and the great wrong of those Counties and Burroughs for whom they served.

Object.

If it be objected, that by usage of Parliament, 40 Members make a House of Commons.

Ans.

1. I Answer, not to all intents and purposes; Not to grant Subsidies, nor pass *Laws*, or matters of greatest moment, *Modus tenendi Parl. Cocks* 4. Instit. pag. 1, 2, 26, 35, 36. *Cromptons Juris. of Courts*, fol. 1. 39 Edw. 3. 7. *Brook, Parl.* 27. 1 *Jac.* 1.

2. 40 Members make not a House, when the rest are Excluded by force without doors, and fraud of their Fellow-members within doors, on purpose, that (being the Major number) they may not over-votethem. *The Commons not having power to expel any of their Members, without consent of King and Lords, in whom onely the Judicial Power resides. Paribus in Pares non est Potestas*, Claus. Dors. 7 Rich. 2. M. 27. *Seldens Title of Honour*, pag. 737, *Baron Camoyes* case discharged by the Kings Writ, and Judgment from serving amongst the Commons, because a Peer

Peer of the Realm : The practice for Members to Expel and Sequester their Fellow-members, being a late dangerous innovation, to pack a Factious Conventicle instead of a Parliament.

If the King should send forth no more Writs than would Summon forty or fifty Commons, it were no House. Added by the Abridger.

So Mr. *Pryn* concludes, That if he should voluntarily submit to pay this Tax, by vertue of the said pretended Act of Parliament Dated 7. of April, 1649. made by those now sitting (some of whose Elections have been Voled void, others of them Elected by new Illegal Writs, under a new kinde of Seal, since the Kings Beheading; as the Earl of *Pembroke*, and Lord *Edward Howard*, uncapable of being Knights or Burgesses by the Common Law, because Peers of the Realm, as was adjudged in the Lord *Cannoyes* case, *Claus. Dors.* 7 *Rich.* 2. M. 32. and asserted by Mr. *Seldens* Titles of Honour, Part. 2. chap. 5. pag. 735. Seconded by *Cooks* 4. Instit. pag. 1, 4, 5, 46, 47, 49.) As he should admit those to be lawful Members, so he should assent to *ex post facto*, some particulars against his Knowledge, and against the Oathes of Allegiance, Supremacy, Protestation; Solemn League and Covenant, taken in the presence of God, with a sincere heart, and real intencion to perform the same; and persevere therein all the dayes of his life, without suffering himself directly, or indirectly, by whatsoever Combination, Perswasion or Terrour to be withdrawn therefrom. As for example, he should thereby acknowledge contrary to his knowledge, and the said Oathes and Covenant.

1. That there may be, and now is, a lawful Parliament of *England*, actually in being, and legally continuing after the Kings Death, consisting only of a few late Members of the Commons House, without either King, Lords, or most of their fellow Members.

2. That this Parliament sitting under a force, (and so unduly Constituted; and packed by power of an Army combining with them) hath just and lawful Authority.

1. To violate the Priviledges, Rights, Freedomes, Customes, and alter the Constitution of our Parliaments themselves.

2. To Imprison, Seclude, and Expel most of their fellow

Members (the far major part of the House) for Voting and according to their Consciences (in favour of Peace, and settlement of the Commonwealth.)

3. To *Repeal* all Votes, Ordinances, and A&ts of Parliament they please.
4. To *Erect new* Arbitrary Courts of War and Justice.
5. To *Arrain, Condemn, and Execute* the King himself, with the Peers and Commons of this Realm, by a new kinde of Martial Law, contrary to *Magna Charta, The Petition of Right, 3. Car.* and the known Laws of the Land.
6. To *Dis-inherit* the Kings Posterity of the Crown.
7. To *extirpate* Monarchy, and the whole House of Peers.
8. To *Change and Subvert* the Ancient Government, Seals, Laws, Writs, Legal proceedings, Courts, and Coyn of the Kingdome.
9. To *Sell and Dispose* of all the Lands, Revenues, Jewels, Goods of the Crown, with the Lands of Deans and Chapters, (for thir own advantage, not the easing of the people from Taxes.)
10. To *absolve themselves* (by a Papal kinde of power) and all the Subjects of England and Ireland, from all the Oaths and Engagements they have made to the Kings Majesty, His Heirs and Successours; yea, from the very Oath of Allegiance, notwithstanding this expresse Clause in it (fit to be laid to heart by all conscientious Christians) *I do beleieve, and in conscience am resolved, That neither the Pope, nor any person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full Authority to be lawfully Ministred to me, and do renounce all Pardons and Dispensations to the contrary.*
11. To *disfence* with our Protestation and Covenant so Zealously enjoyed by both Houses on all sorts of people.
12. To *dispose* of the Forts, Ships, Forces, Offices, and places of Honour, Power, Trust, or Profit, to whom they please (to their own party.)
13. To *Displace and Remove* whom they please from their Offices, Trusts, Pensions, Callings and Franchises at their pleasures, without any Legal cause, or Trial.
14. To *make what New A&ts, Laws, and Reverse what Old ones*

ones they think meet, to inslave and intral our Consciences, Estates, Liberties and Lives.

15. To create new monstrous Treasons never heard of before, and to declare Real Treasons against the King, Kingdome and Parliament to be no Treasons; and Loyalty, Allegiance, due obedience to our known Laws, and a conscientious observing our Oaths of Allegiance and Supremacy, and the Covenant, to be no less than High Treason; for which they may take away our Lives, and confiscate our Estates to their new Exchequer. Thereby at once repealing *Magna Charta*, c. 29. 5 *Edw.3.c.6.* 25 *Edw.3.c.4.* 28 *Edw.3.c.3.* 37 *Edw.3.c.18.* 42 *Edw.3.c.3.* 25 *Edw.3.c.2.* 11 *Rich.2.c.4.* 1 *Hen.4.c.10.* 2 *Hen.4.* Rot. Parl. 11. n. 60. 1 *Edw.6.c.12.* 1 *M.c.1.* The Petition of Right, 3 Car. So much commended this Parliament, and laying all our Laws, Liberties, Estates and Lives waste, after they have drawn so much Blood and Treasure from us, in defence of them.

16. To raise and keep up what forces by Land and Sea they please, and impose what Taxes they please, and renew, increase, and perpetuate them to support their more than Regal or Parliamentary power.

17. To pack and shuffle themselves into a Council of Lords, States General (without any provincial States) forty Hogens Mogens, with Supream, Regal, and Arbitrary power, in absence of Parliaments which are Abolished by these Usurpations as well as Monarchy.

This 17. is added by the Abbrider.

4. The principal ends proposed in the pretended Act for imposing this 90000 l. a months Tax, oblige all men not to pay it, viz. The keeping up this Army under the Lord Fairfax.

1. Because this Army, by rebelling against their Masters, the Parliament, and waging War upon them; and by conspiring with their own party of the sitting Commons have occasioned all the Mischiefs last mentioned, to the ruine of King, Parliament, and Kingdome, Religion, Laws, Liberty, and Property; and daily threaten an utter dissolution, both in their Deeds, and Words. Both Officers and Souldiers Boasting, That the whole Kingdome, and all we have is theirs by Conquest; That we are but their conquered Slaves and Vassals, and they Lords of the Kingdome, That our Lives are at their Mercy and Courtesie; That when they

have gotten all we have from us by Taxes and Free-quarter, they will seize our Lands, and turn Us, and our Families out of Doors, That there is no Law in England but the Sword (as Hugh Peters the Rebels Apostle saith) The present power must be obeyed (saith parasitical John Goodwin) that is the power of the Sword still.

More hath
been raised
by Taxes
these last
eight years,
than in all
the Kings
Reigns since
the Conquest,
and no ac-
count given,

2. No Tax ought to be imposed but upon necessity, for good of the people, 25 Edw.1.chap.6. Cooks 2. Instit. pag.528. But the keeping up this Army is the Bane of the people.

1. Because they are already exhausted with war, Plunder, Taxes, Free-quarter, &c.

2. Because the Souldiers have decayed Trade, and brought a Dearth upon the Land.

3. This Tax of 90000 l. a month destroyed Trade, by Fore-stalling and Engrossing most of the Money now left in the Kingdome.

4. There is no Enemy in the Kingdome visible, nor no fear of any, if we will beleve our Grandees.

5. When the King had two Armies in the Field, and many Garrisons, this whole Army consisted but of 22000. Men, and had an Established pay but of 45000 l. a month. See Ordinances 15. Feb. 1644. and 6. April 1646. *Exacti Collecti*. pag.599,876. But when the Army (by confederacy with their party in the House) took the boldness to increase their number without Order, 60000 l. a month, was thought abundantly sufficient to pay the Army, and take off Free-quarter: And why this Tax should now be raised to 90000 l. a month, when sundry Regiments of it are Assigned for Ireland, and yet Free-quarter continued, is a mystery of Iniquity which fills the Saints pockets with Money, and all the World with Wonder.

6. The Counties Militia (so much contended for with the King) would better defend the Kingdome from Forreign Invasions than a Mercenary Army. Therefore there is neither necessity, nor publick utility in keeping up this Army, or raising Taxes to maintain them, or pay their pretended Arrears. The Free-quarter they have taken in kinde, and leaved in money, will treble their Arrears, and make them much indebted to the Country. Thus far (and much farther) Master Iryn, whose whole

whole Book at large I commend to all mens serious perusal.

The Marquess of *Ormond's* happy atchievements in *Ireland* beginning to look formidably, had cooled the heat of *K. Oliver's* courage (though not of his Liver) inſomuch that he and his intimate friends began to project how (without loſs of reputation) to take him off from ſo deſperate an Engagement, as (at that time) that ſeemed to be : unneceſſary delays were uſed in Shipping his Men. *Haſt-rig* and his Party reported great terrours from *Scotland*. *Oliver* and his Blood-hounds of the Faction made a ſhift to ſmell out a ſilly Plot in *Dorſetſhire* for ſurpriſal of *Weymouth* and *Portland* for the KING : now laughed at, and exploded by their own News-books. And the tender-conſcienced Brethren were prompted to apprehend their own dangers, and put into a Petitioning poſture, *That ſuch a Worthy of Iſrael, ſuch a choſen Inſtrument of Gods mercy, might not in a time of danger leave the Land of his Nativity, the Habitation of the Saints, to ſeek forraign adventures in a Heathen Land* : Whiſt theſe preparations were making to withdraw *Olivers* ſtake, he appeared not openly in them, but making more ſhew of the Lions ſkin than the Foxes, had written to Col. *Jones* how heartleſs his Souldiers were, and that unleſs *Jones* did by ſome ſucceſſeful Sally leſſen their terrour, he ſhould not be able to get them on Ship-board. This was (like the Monkey) to rake Cheſſenuts out of the fire with the Cats foot ; to take a preſage of his own ſucceſſe at Col. *Jones* hazard. *Jones* makes an attempt with better luck than he expected, though not with half ſo good ſucceſſe as was reported. Saturday, 12. *Auguſt*, when the news firſt came to Town, (the Lion is not ſo terrible as he is painted) it is a peculiar privilege of the Saints to lie (without ſin, or at leaſt, without imputation of ſin) for the good Cauſe, either *in Re*, or *in modo Rei* ; in the matter, or manner ; in the thing, or the extent thereof : yet this ſucceſs was enough to invite *Crommel* over to purſue the Victory, and partake of the ſpoils, if not to uſurp the whole Honour of the Atchievement to himſelf, by his accuſtomed ſpecial prerogative. So upon the 16, or 17. of *Auguſt*, *K. Nol* ſet ſail towards his new Principality, carrying (contrary to the cuſtome of the Sea) his Lanthorn in his Proawe, not in his Poop; where we will leave him for the preſent to his adventures.

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The Association between
O Neale and
C. Monck.
See the Paper
at large.

I have formerly hinted to you the Agreement made between Colonel Monck in behalf of the Parliament of England; and Owen Roe O Neale, the massacring Irish Rebel: I have now occasion to speak more at large of it, and examine the truth of a Paper, called, [*The true state of the Transactions of Col. George Monck with Owen Roe Oneale, as it was reported to the Parliament by the Council of State, &c.*] Printed by Edward Husbonds, 15. August, 1649. The said agreement made between the Antimonarchical Independent Party in Ireland, and the massacring Antimonarchical Popish party under Owen Roe O Neale (being a meer conspiracy to root out Monarchy and Protestantcy: first, in Ireland, and then in England: and a second crucifying of Christ in his members between two Thieves, the Schismatick and the Papist) was so generally abhorred by the English Souldiery, that many there took occasion to forsake the English Parliament; and many here disbanded rather than they would accompany Cromwel in so wicked an expedition. Wherefore Cromwel writ Letters to his Creatures of the Council of State by Monck himself, complaining how much the miscarriage of that Agreement had retarded his said Voyage; desiring them (for satisfaction of the Souldiery and People) to Treat with Monck to take the whole business upon himself, and to clear the Council of State, the Parliament, and Cromwel himself, from having any hand at all in it, which upon Terms of safety and advantage (he said) he already found him inclinable to do. The better to carry on the scene, this Agreement was with much heat of zeal complained of in the Apocryphal House of Commons by a Brother who had his cue before-hand, and by the Juncto was referred to the Council of State as was forelaid, where their High and Mightinesses (after some private conference with Monck to accommodate the business) voted their dislike of it: Bradshaw reprehending Monck in jest therefore. And at last they Ordered, *That the whole business, with Moncks Reasons for his justification, should be reported by Thomas Scot to the House of Commons*; which was accordingly done Upon Friday, 10. August, Monck was called in to the Bar, where (amongst other things) the Speaker asked him, *What Persons he meant in his Letter to the L. Lieutenant of Ireland*; wherein he saith, *He made the Agreement with O Neale with the advice of some*

Scot having studied the Politiques in a Brewers Tally, is become a great States-man in our new Babel. See the said Paper, *The true state, &c.*

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some others? Monk answered, that he did it upon his own score, without advice of any other person; only having discourse with Colonel Jones: Jones told him, if he could keep Owen Roe and Ormond from joyning, it would be a good service. This Answer (such as it is) was taken for satisfactory in so Comick an Interlude. The next demand was, *Whether he had any Advice or Directions from the Parliament, Council of State, Lord Lieutenant of Ireland, or any other Person here to do the same?* which he did expressly deny, saying, *he did it upon his own score.* Hereupon the House voted as followeth:

Resolved, &c. That the House doth utterly disapprove of the proceedings of Col. Monck in the Treaty and Cessation (as they please to call it) made between him and Owen Roe O'Neal, and that this House doth detest the thoughts of any closing with any Party of Popish Rebels there, who have had their hands in shedding English blood. Nevertheless the House being satisfied that what the said Col. Monck did therein, was, in his apprehension necessary for the preservation of the Parliament of Englands Interest: That the House is content the farther consideration thereof, as to him, be laid aside, and shall not at any time hereafter be called in question. So exit Monck, and the Play was done: wherein take notice of these following Observations.

1. The Armies Doctrine, and use of apprehended necessity See the Answer of the Council of Officers to the Demand, concerning their secured Members: And their Answer thereunto.
2. This Agreement (though it were at least twelve Weeks ago publicly known in England, and divulged in their own Licensed News-books) was never scrupled until now: That 1. the said Agreement was expired. 2. That O'Neale was so beaten by the Lord Inchiquin, that he is (as their own News-books say) inconsiderable, and must suddenly joyn with the Marquess of Ormond, or be destroyed.
3. That these Votes call this * Agreement but a Treaty and Cessation of Arms: which (I affirm) to be a League Defensive and seem over-Offensive against Ormond, Inchiquin, and all that do and shall hold in maintaining a different opinion, since Parliaments are no more infallible than Popes; and all humane opinions are equal unless Reason make the difference. I hope we have not lost our Reason with our Lawes and Liberties, nor the exercise and use of it.

uphold

uphold Monarchy (if not Protestantism too) for these Reasons:

1. Article second saith, *That upon all occasions both Parties be ready with their Forces to assist one another until a more absolute Agreement be made and condiscended unto by the Parliament of England.* This is beyond a Cessation. 2. Article third, saith, *That the Greaghts of Ulster residing within the Quarters of Col. Monck, shall pay Contribution to General Owen Oneale.* This is a Concession of a great latitude, far beyond the authority of any subordinate Commander or General, and against the Lawes and Liberties of the Land to grant Taxes. It should seem by this, that *Oneale* and his Army were become Mercenaries, taken into pay by *Monck*. 3. Article fourth, saith, *That if General Owen Oneale shall happen to fight against the Forces under the Command of the Marquesse of Ormond, the Lord Inchiquine, or any other Enemies of the Parliament of England, and thereby spend his Ammunition, if he be near unto my Quarters, and be distressed for want of Ammunition, I shall then furnish him.* This was actually performed when my Lord *Inchiquine* Besieged *Dundalk*. I make the same interpretation of this Article that I have made of the third. 4. The fifth Article alloweth to *Oneale* the use of any Harbours within *Col. Moncks* liberty; which likewise is too much for a bare Cessation or Truce.

4. Who can believe that any subordinate Officer commissioned to prosecute a War against *Owen Roe* and the rest in Arms in that Kingdom, should dare to Treat and conclude an Agreement and conjunction with that very Enemy he had Commissioned to fight against without the knowledge and directions (public or private) of those from or under whom he hath his Authority; and should be so bold when he had done to come over and justify his said doings, notwithstanding they proved unprosperous? *Col. Monck* being so much a Soldier as to know, *That* (all the world over) to exceed the bounds of his Commission (much more to act against his Commission, as in this case) is assured death without mercy, both by the Law Martial (without which Military Discipline will perish) and by the Lawes of our Land.

See the said Letter, printed at the latter end of a Relation of the securing and secluding of the Members by the Army.

5. Wherefore was Sir *John Winter* and Sir *Kenelm Digby* sent for over (as was foretold by an intercepted Letter, where-

of I have formerly spoken) and O Neale the Popes Irish Agent, and another Agent from Owen Roe O Neale privately entertained in England (as I have formerly hinted) but to drive on Treaties and Associations of this nature? insomuch that long since it was whispered amongst Cromwells party in England to uphold their spirits) That upon his shewing himself in Arms in Ireland, Ormonds Catholick Irish party would all forsake him and go over to O Neale, who maintained the Popes Interest in that Kingdome.

The aforesaid paper prinred by Authority, and stiled *The true State of the Transactions, &c.* besides the said Articles of Cessation, setteth down other Articles, called,

Nota.

The Propositions of General Owen O Neale, the Lords, Gentry, and Commons of the confederate Catholicks of
ULSTER : To the most High and most Honourable, The
PARLIAMENT of ENGLAND.

1. **I**nprimis, That such as are already joyned, or shall within the space of three Months joyn with General Owen O Neale, in the service of the Parliament of England, in this Kingdome, as well Clergy, as others, may have all Laws and Penalties against their Religion, and its Professors, taken off by Act of Parliament, and that Act to extend to the said parties, their Heirs and Successors for ever, while they Loyally serve the Parliament of England.

[Within the space of three Months] is not in the said Copy printed at Cork.

2. The said General O Neale desireth an Act of Oblivion to be passed, to extend to all and every of his party, for all things done since the beginning of the Tear, 1641.

3. They desire that General Owen O Neale be provided with a competent Command in the Army besitting his worth and quality.

4. They desire that they may enjoy all the Lands that were, or ought to be in their, or their Ancestors possession.

5. That all incapacity, inability, and distrust hitherto by Act of State, or otherwise, against the said party, be taken off.

H b

6. That

6. That on both sides all jealousies, hate, and aversion be laid aside, Unity, Love, and Amity be renewed and practised between both parties.

7. That General Owen O Neale may be restored and put in possession of his Ancestors Estates, or some Estates equivalent to it in the Counties of Tyrone, Ardmarch, or Londonderry, in regard of his merit, and the good service that he shall perform in the Parliament of Englands Service, in the preservation of their Interest in this Kingdome.

8. That the Army belonging to General Owen O Neale, and his party be provided for, in all points as the rest of the Army shall be.

9. That the said party be provided with, and possessed of a convenient Sea-port in the Province of Ulster.

I do upon receiving a confirmation of these Propositions, forthwith undertake and promise in behalf of my self, and the whole party under my Command, faithfully and firmly adhere to the State of the Parliament of England in this Kingdome, and maintain their Interest hereafter, with the hazard of our lives and fortunes :

In witness whereof, I have hereunto put my Hand and Seal this 8. day of May, An.Dom. 1649.

Signed, Owen O Neale.

Thus far the said paper, filed [*The true State, &c.*] goes on with the Relation of the said Treaty and Agreement, but conceals what farther Transactions passed between Monke and O Neale upon the last recited Propositions : Wherefore I shall be bold to continue the Story of a paper, entituled [*The Propositions of Owen Roe O Neale sent to Col. Monke, and a Ces-*

The Story of
the farther
Transactions
between O Neale and Monke continued and enlarged out of the Propositions printed at Cork.

sation

sation for three Months concluded between them. Together with a Letter thereupon sent by a Gentleman at Dundalk, to his Friend at Cork. Printed at Cork, 1649.] The last recited Propositions were sent to Monke 25. day of April, 1649. who perused them, and made some considerable Alterations in them, as appears by Monke's Letter of Answer thereupon to Owen O Neale, dated from Dundalk, 26. April 1649. as I finde it in the said paper printed at Cork in these words :

SIR,

I Have received yours of the 25. April, and I have seen your Order given to Captain Hugh Mac Patricke Mac Mahon to Treat and conclude a peace with me in the behalf of your self, and the Forces under your Command. I have perused your Propositions, and conceiving there are some particulars in them which at first view the Parliament of England may scruple to grant, I have made a small alteration in some of them, being well assured, by it, you will not receive the least disadvantage, but it will rather prove a means to beget an increase of their good opinion towards you and your party; which I believe your reality, fidelity, and action in their Service will sufficiently merit, and in case you approve of them; as I have revised and altered them, I desire you to send them to me Signed and Sealed by you, that I may present them to the Parliament of England, to obtain their favourable Answer in return of them: And in the mean time I desire that according to this inclosed paper, three Months Cessation between us to be condescended unto, and inviolably kept between our Forces during the same time.

Dundalk, 26. April, 1649.

George Monke.

1. Observations upon Monks letter.

1. Col. Monke in his said Letter to O Neale, 26. April, answereth him: 1. *That he had perused his Propositions, and conceiving there are some particulars which at first view the Parliament of England may scruple to grant, &c.* A gentle phrase to nourish hopes in O Neale even of obtaining all his Demands (if need be) upon debate and deliberation, though not at first view. *That he hath made a small alteration in some of them* (I confess very small) *being well assured he should not receive the least disadvantage by it, &c.* From whom had Monke this Assurance, unless from those Men by whose Authority and Directions (private or publick) he presumed to Treat with that Enemy he was Commissioned to fight with, and whose Names he doth conceal? *That it* (yeilding to Monks amendments) *would rather prove a means to beget an increase of their* (the Parliaments) *good opinion of Owen Roe O Neale and his party, &c.* It should seem then the Parliament had entertained a good opinion of O Neale and his party before hand; for every thing must have a being, before it can have an increase of being. *In case you approve of them* (the amended Articles) *I desire you to send them to be signed and sealed by you, that I may present them to the Parliament of England to obtain their favourable Answer in return of them, &c.* You see all Monke did was in reference to the Parliaments ratification; and therefore reason tells us the Parliament was originally privy to the Treaty: It is not likely Monke should Treat upon his own head, and abruptly send the result of the Treaty to be confirmed by the Parliament without any warning foregoing to prepare them.

2. Observations upon the Propositions amended. See the said Paper printed at Cork, especially Monks Letter.

O Neale sent his Letter and Propositions to Monke, Dated 25. April, 1649. Monke answered his Letter, and corrected O Neales Proposition the day after, being the 26. April.

And the last mentioned Propositions of Gen. Owen O Neale, the Lords, Gentry, and Commons of the Confederate Catholiques of Ulster, &c. as well as the first mentioned Articles for three Months Cessation, &c. bear Date 8. May, 1649. which I conceive to be the Date given them when they were ratified by the Parliament, or Council of State. See the said Paper [The true state of the Transactions, &c.] Then follows:

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A second Copie of *Owen Roe Oneales* Propositions as they were corrected by Col. *Monck*, and sent to *Oneale* to be subscribed: And then sent by *Monck* to the Parliament to be granted: as followeth verbatim.

Paper printed at Cork.

I. **I**nprimis. That such as shall joyn with General *O-Neale* in the Service of the Parliament of England in this Kingdome; may have Liberty of Conscience for themselves and their issue,

2. The said General *O Neale* desireth an Act of Oblivion be passed, to extend to all and every of his Party for all things done since the beginning of the Tear, 1641.

3. They desire that General *O Neale* be provided for a competent Command in the Army besitting his worth, place, and qualitie.

4. They desire that they may enjoy all those Lands that were in their possession at the beginuung of this War for themselves and Heirs during their fidelity to the Interest of England.

5. That all incapacity, inhability, & distrust hitherto by Act of State or otherwise, against the said Party, be taken off.

6. That on both sides all Jealousies, hate and aversion be laid aside; unity, love, and amity, renewed and practised between both Parties.

7. That Gen. *O Neale* may be restored and put in possession of his Ancestors Estate, or some other Estate equivalent to it, in regard of his merit, and the good Service that he shall perform in the Parliament of Englands Service in the preservation of their Interest in this Kingdom.

8. That the Army belonging to the Gen. *O Neale* and his Party be provided for in all points as the rest of the Army shall be.

9. That the said Party be provided with, and possessed of a convenient Sea-port in the Province of *Ullster*.

See the Date
in The true
state of Tran-
sactions, &c.
It seems to be
8. May, 1649.

And I do, upon receiving a Confirmation of those Desires, undertake and promise in the behalf of my self and the whole Party under my Command, faithfully & firmly to adhere to the Parliament of Englands Service in this Kingdom, and to maintain their Interest hereafter with the hazard of our Lives and Estates against all Opposers whatsoever.

Given under my Hand and Seal.

In the said Paper, printed at *Corke*, is also contained, [*A Letter from a Gentleman in Dundalke, dated May 20. 1649.*] which take here verbatim; that you may see what opinion Men there (upon the place) had of that business

To my worthy Friend, at *Corke* in *Munster*.

SIR,

You may wonder, my Obligations being so great towards you, that my returns of acknowledgment should be so seldom as they have been, but you must know there is no defect in my desires to be at your eares often; 'tis only the preservation of my Liberty and Safety in these parts that makes me forbear the frequencie of such intercourses. I am confident these Letters, this Messenger, and the inclosed papers which I here send you (containing a true Copie of the Propositions and Letters of Agreement between Owen Roe O'Neale, and Col. George Monck) will be able to give you some account of the passages in these parts, and will make you assured that I do not forget the respects I owe unto you.

I must confess to you that (as you ever conceived) I never could imagine that the Parliament proceedings would have advanced to so high a degree of rage and wickedness as I see now they are come to, and are resolved to act by: but being amazed at the KING'S Murther, and seeing the Gangrene doth so cruelly spread, I will impart to you my resolution

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resolution, That I am resolved to get into your parts with the first conveniency, and adhere to you there, whose actions are more conducing to the preservation of our Religion, Law, and common Interest, than any where else that I can find. But that this my so sudden resolution may not be conceived the fruit of some vain fear, miscarriage in my self, or light desires to abandon my former principles, I shall give you a right understanding of all the motions and passages of my soul, since I was acquainted with this late Treaty between Col. Monck, and Owen Roe O Neal, that thereby you may judge of the ground of these my Designs and distastes, and my resolutions taken thereupon.

And before I consider the particulars of the Treaty, the thing it self is so odious to me, that if they could have made the best bargain to be imagined for the English Safety, the manner of it would have appeared to me very unsavoury.

For although it cannot be denied that almost the whole Irish Party (in regard of their Confederacies and Combinations) have not been innocent in all particulars of that vast Ocean of English Blood that hath been shed; yet it is most clear, that the Plotters and Contrivers of this Treason, and the unnatural and butcherly Executioners thereof are that Party principally which are now Headed by Owen O Neale; for, although many of the pale, with others of Conaught, Leinster, and Munster, entertained the Designe, when they saw it was so far spread, and the English so much weakned in their persons and possessions, yet it cannot be denied but this Kingdom had still many moderate-minded Men that loathed their Countrymens barbarity, and could never be drawn to adhere to their Party in their least consent.

Now for the Parliament Agents to gather up these Men
(and

(and these onely) that have been drunk with the blood of their Brethren, and to fortifie them with Arms, Councils, and conjunction of Forces, that thereby they may preferre to themselves the Triumphs of their Cruelty and Treachery, and to lap them up in their affections with promises of reward, if they will persevere to act with them the ruine of the KING and Monarchy, the destruction of the remnant of the English Protestants, and the ancient Irish who have now declared their Loyalty, and submitted to, and consociated with them, are things that I much loath, and can noway embrace.

Besides, if you consider the passages of the Treaty, you will easily be drawn (I suppose) to cast away your former entertained scruples, and not condemn me for being out of love with mine.

1. For first. The Title to Owen Roes Propositions excludes all other of his Nation but such as will joyn with him, though they be far more capable of peace & pardon than himself or his party.

2. He and his party, who in a late paper of theirs stiled the Parliament of England, *Monstrosus Parliamentum*, (the monstrous Parliament) when (as then) it had not besmeared it self with Royal, Sacred, and Noble Blood, as since it hath done: yet now where he sees them act like himself, he hath taught his tongue to quaver, and calls them, The most Honourable and Potent Parliament; when all Honour is persecuted by them, and no power exercised by them but brutish violence, and extream tyrannie.

3. In the second Proposition: That an Act of Oblivion be passed to extend to all and every of Owen O Neales party for all things done since the Tear, 1641. You shall find that Monck approves of it totally, without the least reserve of punishment to any the most bloody plotters and
murderers

Murtherers whatsoever that are in that Crew, which makes me more in love with my Lord of Ormonds peace than I was before.

4. *It is propounded by Owen Roe, and approved by Monke, That he shall have a Sea-port to himself, to make use of, for the perfecting of his designs, when (as we hear) the least Traffick will not be allowed to you in Munster.*

5. *Although Col. Monke do a little pare his Propositions concerning the Repealing of Statutes against Roman Catholicks since Hen. 8. lest he should offend the people: And though he do not absolutely undertake to grant him his Ancestors Lands (which when he is once stiled O Neale, he will challenge to be the six escheated Counties) yet by Monkes Letter he is assured, that he shall not receive the least disadvantage thereby. All which directions, counsels, and assurances (I am confident) Col. Monke would not have used towards him, if he had not had a Parliament foundation to warrant it.*

Thus you see these Men who lately were utter Enemies, have confederated together to ruine Monarchy, and the Protestant Religion, meerly to raise themselves, and support their own Faction. They will not here allow the King to make use of his own Subjects to revenge His Fathers blood, to Re-inthroned Himself, to re-establish Religion and the Law, and the just Liberties, and yet they allow themselves a latitude of calling in any party, though the most bloody and inhumane, to assist them, in the carrying on their wicked Designs.

We have seen Col. Jones his Letters, censuring the Lord of Ormond for joyning the Irish to his party (though the best and least culpable of them) and yet the same Jones (whose head and hand is in this Treaty and Conclusion) thinks it allowable in himself to close with the

worst, and that upon his own termes. And though Col. Monkes hypocrisie (in correcting Owen O Neales 7. Article) will not allow that unity and amity shall be publickly proclaimed between them; yet he is willing it shall be practised, and they shall mutually assist one another against all Opposers whatsoever, that is, the King, and all in Authority under Him.

The consideration of these things hath left such an impression upon my soul, that I am resolved to make speed to you, no way desiring to live under their Commands, whose actions increase in horror, and beget new afflictions to all honest English hearts. So praying you to forbear further writing to me, because I mean speedily to see you, I rest,

Dundalk,

May, 20.

1649.

Your assured Friend

and Servant.

Upon which Propositions so corrected by Monke, and the close carriage of this business, I shall trouble my Reader with these following Observations.

1. *Article.* You see the Counterfeit, Alchymy Saints, are content to joyn covertly with Massacring Irish Papists, to carry on their Antimonarchical Designs, and to make a false Religion and corrupt worship of God the wages and hyre of righteousness.

2. *Article.* You see those Men that are so bloodily zealous to bring Protestant Delinquents (nay, the King himself, under the notion of the *Grand Delinquent, the Man of Blood*) to punishment, and pretend themselves engaged by Oath so to do; can dispense with the Massacre of two hundred thousand English Protestants barbarously and inhumanely slaughtered in Ireland in time of full peace; and can grant an Act of Oblivion to whole Armies of their Murderers, thereby at once making their Antimonarchical interest the price for which they sell the innocent blood of their Brethren, and defrauding the Irish Adventurers of
that

that Money which the Parliament perswaded them to lay forth to purchase Rebels Lands in *Ireland*, for which they have an Act of this Sessions of Parliament.

The like may be said of the 4. and 7. *Articles*, whereby Rebels attainted and convict are restored to their confiscated Lands, and the English Protestant planters that purchased them of the Crown, are expelled out of their Inheritance; what is this but a design to root out Protestantcy, as well as Monarchy?

5. *Article*. Taketh off all Incapacity, Inability, and distrust from *O Neale* and his party at that very time when with much counterfeited zeal they pretend great severity against the English Papists; I think because they are not so very Rebels as the Schismatics.

According to their usual custome, to accuse other Men of their own Crimes, they charged King *CHARLES* the First, (upon light surmises) with complying with the bloody Irish Papists; and do themselves actually combine with them to root out Monarchy and Protestantcy, giving them a Toleration of their Religion, and the possession of the English Protestants Estates for their Hyre.

And it now appears by Letters newly come to London, the 24. August (notwithstanding the said Votes of the Commons against all association with the Irish Murderers) That Sir Charles Coote, and *O Neale*, are associated; and that the Siege from Londonderry was raised by *O Neales* help, which plainly proves, that the Treaty and Conjunction was not only between *Monke* and *O Neale*, but between *O Neale* and the Parliament, or Council of State; and that the said Propositions so altered by *Monke* are confirmed by the Parliament, or Council of State; and do still serve for a foundation for *O Neale* to assist the Parliament upon, who have turned out *O Neale* at the Fore-door (to gull the People) and taken him in again at the Back-door.

Many of *K. Oliver's* Officers and Souldiers, abhorring the said Association with *O Neale*, deserted him at *Milford-baven* (as I his complain have related) and came to London, whither they were pursued at the heels by a Letter from his *Mushrome* Majesty, directed to his Vice-Royes at *Westminster*, willing his Parliament (that since (to encourage the Souldiers to undertake the Irish expedition onely) void.

See the Per-
fett Occur-
rences, nu. 17.
138. from
Aug. 17. to
the 24. 1649

Cromwell's
Souldiers de-
sert him at
*Milford-ha-
ven*, and upon
his complaint
his House of
Commons
vote their
Debentures
void.

their Accounts had been Audited, and Debentures granted for their Arrears) they should recall and null their said Debentures : In obedience to which Command, a thing like an Act of Parliament is drawn up, and order taken that the Commissioners that attend *Cromwel* into Ireland should certify the Names of them all to the Parliament, that they may be punished in purse, for not prostituting their Consciences, and shedding more innocent blood, with an implicate faith and blinde obedience, to *K. Olivers* unquestionable commands, in maintenance of usurpation and lawless tyranny. The rest of the Army may see, by this precedent, they may as well hope to recover a damned Soul out of Hell, as their Arrears out of this bottomless Gulph, the New State : (notwithstanding all their fair promises, Orders, weather-cock Acts, and Debentures, which are all written in waste-paper, and as changeable as Tickets and Securities for the Publick Faith.) It being their constant resolution and best policy to feed them (from time to time) with vain hopes, and a little spending-mony (for which they are never the better) now a bit of mony, and then a bob of Martial Law; and alwaies to promise, never to pay their Arrears, thereby to keep them together from Disbanding, and going to their own homes and callings; whilst the Councel of Officers (who only are accounted the rational part of the Army) receive duly the hire of unrighteousness, and whatsoever else they can shark from the private Souldiers (who are looked upon but as the Brutish part of the Army) in whom it is become a capital Crime to question whether their Superiors deal justly with them or no? as is proved to *Lockyer*. The Common Souldiers, as well as the Common People, paying for the Ryot of their Colonels, and superior Officers (who Lord it in their gilt Coaches, rich Apparel, costly Feastings (though some of them led Dray-horses, wore Leather-pelts, and were never able to name their own fathers or mothers) I, and for the Lands they purchase too; yet the Officers have one device more to keep the Souldiers together, which is, They make them believe they are so generally hated, they cannot with safety Disband and go home; whereas it is the Superiours onely that are looked upon with hatred as the Authors of Tyranny and Oppression : The Private Souldier being esteemed but their Instruments, and such

as (in their kind and way) are sufferers under the hand of oppression as well as other men; many Souldiers have been purged out of the Army; others have voluntarily quitted the Army and returned to their callings, without being endangered or injured after their retirement, which shewes this objection is but a Scar-crow.

For the clear manifestation of the Association between O Neale and the Parliament, there are lately come to the Council of State two Letters out of *Connaught* from Sir *Charles Coote*; one Dated the 14. the other the 15. of *August*, 1649. informing them with how much zeal to the Parliaments Interest *Owen O Neale* had freely raised the Siege of *London-Derry*. Upon which Letters, and the Votes and proceedings of Col. *Pride's* Parliament thereupon, I shall commend to my Readers observation these following particulars:

1. The 15. *August*, Letters inform, that *O Neale* freely offered his assistance to *Coote*, professing much affection to the Parliament of England, and an earnest desire to maintain their Interest, &c. (which is, his own Interest) you may remember that this bloody Rebel *O Neale* heretofore (when the Parliament was not half so corrupt as now) stiled it, *Monstrum Parlamentum*, the Parliament of Monsters: but now that he sees them act his way, and concur with him to destroy Monarchy and Protestancy, he stiles them, *The Honourable Parliament*, aids, and affects them.

2. The 14. *August*, Sir *Charles Coote* informes, that he hath found *O Neale* and his Army very punctual and faithful in all their Promises and Engagements, and he makes no doubt but they will continue so unto the end, &c. The reason is, becruse they aym all at one end and interest: Subversion of Monarchy and Protestancy, and go one way to effect it, by a Conjunction of Forces and Councils.

3. The 16. *August*, that *O Neale* in his Express to *Coote* enclosed some Letters he had received from *Monck*; and amongst the rest, a Copie of a Letter from *Monck* in Answer to a Letter of the Lord *Inchiquine*, charging *Monck* with joyning with *O Neale* and his Parly; wherein *Monck* insinuated, as if *O Neale's* submission to use the Parliaments Power, were already accepted by them, &c. *Monck* needed not insinuate it, but might have spoken it plainly:

207.
A League Defensive & Offensive, concluded between *O Neale* and Sir *Charles Coote* Governor of *Connaught* for the Parliament:
See the last Section save one.

ly : as he hath done to sundry of his Friends in *England*, who reprehended him for joyning with *O Neale*, to whom he Answered, *That he had the Authority of his Superiors to warrant his doings therein*: But this was before he went to *Milford-baven* to *Cromwel*, who then taught him the art of *Cromwellizing* to carry on their design.

Why did they cry out upon King *Charls* I. upon a surmise that He used the help of the more innocent Irish Papists, being His own Subjects under His Allegiance and Protection? but we find the Godly are above all laws.

* Council of Officers, of State, and Parliament.

4. The 15. *August*, *Coote's* Letter (to justify his doings) delivers a piece of Doctrine to the Council of State; the Use whereof they were very perfect in before, viz. *Calling to mind* that it is no new thing, for the most wise God, to make use of wicked Instruments to bring about a good Designe, for the advancement of his glory, &c. This Casuist in Buff had forgotten, That we must not doe evil that good may come thereof; and that both the just and the unjust, the righteous and the unrighteous man being all of Gods Creation and making, he hath the same prerogative over them all *jure creationis*, that a Potter hath over his pots, he may use them, and doe with them what seemeth best to his most holy will: and it is therefore good, holy, just, because he willeth it. His Divine pleasure being the rule and Standard of goodness, holiness, justice. Mistake me not; I doe not mean his bare providence, or permissive will, which no man can take notice of, and Traytors, Tyrants, Thieves, and Reprobate Saints execute, and boast of, to their own assured damnation. Therefore Gods imploying wicked Instruments can be no president for our Alchimy Saints to do the like; unless *Cromwells* * three Juntoes and Faction will usurp Gods prerogative, as they have done the Kings.

5. The 15. *August*, the Letter saith, that *Coote* called a Council of War, and resolved, It was better to accept of the assistance of those who proclaimed themselves Friends to us, and the Interest we fight for, &c. Here you see *O Neales* bloody Party and those Parliament Champions united, and friendly conspiring to uphold one Common Interest, which can be nothing but the downfal of Monarchy and Protestantcy.

6. The 15. *August* the Letter further saith, that we (*Coote* and his Council of War) added to the Article this wary Proviso, not to use their assistance longer than the approbation of the State of *England* should goe along with us therein, &c. It should seem by this

this wariness, that for the time they had used their help (which was ever since the 22. of May last) the approbation of the said State (as they call it) hath gone along therewith. And for the time they mean to use their assistance hereafter, it is left indefinite; (no longer than the approbation of the State shall goe along with us therein) which may happily be until Doom's-day: notwithstanding the Order, Dated the 24. August, 1649. voting *That their Vote of the 10. August, in the Case of Col. Monck, be communicated to Sir Ch. Coote, as the Resolution of the House, &c.* For, who knows whether the Copies of that Vote may miscarry, or be stayed by the way either accidentally or purposely.

7. The 14. August, the Letter saith, O Neale was pleased to communicate to him certain Proposals, which (he saith) were long since transmitted into England to the Parliament, by Col. Monck, and though for his own part and the prime Officers with him, (these are privy to the secret carriage of the business, and therefore may well be satisfied with what is done already) they do not doubt but the Proposals are already yielded to by the State; yet in regard their Army and Party in all other parts of the Kingdome (these are ignorant of the juggle, and causes thereof) cannot be satisfied therewith, until the Parliament be pleased to declare themselves more publicly therein (it should seem they have done it privately already for satisfaction of O Neale and his said prime Officers) he hath therefore desired me humbly to intreat your Lordships to declare your resolutions therein, with as much speed as may be. Here you see O Neale and his prime Officers (who know the juggle) satisfied already with a private confirmation of the Articles. But to satisfy the rest of his Army and Party (to whom this mystery is not yet revealed) a publick Declaration thereof is desired, that they may unanimously and cheerfully endeavour the preservation of the Parliaments Interest.

See Monk's Letter of Answer to O Neale, Dated 25. April, 1649. from Dundalk, contained in the last foregoing Section but one: See the said Paper, entitled, [The Propositions of Owen Roe O Neale, sent to Col. Monck, &c. Printed at Cork, 1649.

The Articles of Agreement between O Neale and Coote conclude clearly a League or War Offensive and Defensive against the Enemies of both, or either, until a more absolute Agreement be made and condescended unto by the Parliament of England. This more absolute Agreement is now agitation, and private Directions sent to Coote how to behave himself in the Transaction thereof. See the 1 Vote, *die venrre*, 24. Aug. 1649. See the

the Relation of the Transactions between Sir Charles Coote and Owen Roe O Neale, printed by Order, 28. Aug. 1649.

The Votes upon these Letters and Articles were two: Upon part, in the first Vote I have observed something already in the 6. branch of this Section (*viz.*) *that their Votes of the 10. Aug. in Case of Col. Monck be communicated to Coore; and a Direction for him how to behave himself in the Transaction between him and Owen Roe O Neale; this Transaction is called in the Articles (at supra) a more absolute Agreement.* These Letters, Articles, and Votes being Apologetically published for satisfaction of the Souldiery and People, it had been fit to have communicated the said Directions also to the Truſtors and Sovereign Lords the People, that they might have seen fair play above board, and not to have sent clandestine Directions to Coote (in so suspicious a business) how to behave himself in the Transaction with O Neale; which implies the said Transaction shall be continued and may be compleated; the rather for that their second Vote saith, *The House is well satisfied of the diligence, faithfulness, and integrity of Sir Charles Coote in preserving the Garrison of London-Derry: now it was preserved by his said Conjunction with O Neale, who raised the Siege.*

208.
The Levellers
vindicated:
or, The Case
of the twelve
Troops, &c.

About this time came forth a Book, called, [*The Levellers vindicated: or, The Case of the 12. Troops which (by Treachery in a Treaty) were lately surprized at Burford: Subscribed by Six Officers in the name of many more.*] Wherein (p. 2.) they say, *That under colour of the Armies solemn Engagement at New-market and Triplo-heath, June 5. 1647. and many other their Declarations, Promises, and Protestations in pursuance thereof (which Engagement they affirm (against their Preaching Coronet Denne) was never retracted by any General Council of the Army, nor upon any Petition of the Souldiers, nor their Agitators ever by them recalled or dismissed) The whole Fabrick of this Commonwealth is fallen into the grossest and vilest Tyranny that ever Englishmen groaned under, all their Laws, Rights, Lives, Liberties and properties wholly subdued to the boundless wills of some deceitful Persons, having dissolved the whole Magistracy of England into their Martial Domination, &c.*

Pag. 7. They say, *That the Souldiers Paper-Debentures are good for*

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247

for nothing but to sell to Parliament men for 3 s. or 4 s. in the pound. (which they are forced to sell them for to keep them from starving, because they will not pay one penny Arrears to such as they put out of the Army any otherwaies) that so they may rob the Souldiers of their Seven years Service, and make themselves and their Adherents Purchasers of the Kings Lands, for little or nothing: and (for ought appears) the Money they buy these Debenters with, is the Money the Nation can have no Account of. That they have dealt as basely with other Souldiers who never resisted their Commands. 1. They turned them off with only two months pay. 2. They have taken away three parts of their Arrears for Free-quarter, without satisfaction to the Country. And at last force them to sell their Debentures at the aforesaid rates, that those Souldies that are continued in Arms shall fare no better, when they have served their turns with them.

Page. 10. they say, *Their Engagement against the King was not out of any Personal enmity, but simply against his Oppressions and Tyranny on the people; but the use and advantage on all the success God hath been pleased to give us, is perverted to that end, that by his removal the ruling Sword-men might intrude into his Throne, set up a Martial Monarchy, more cruel, arbitrary, and tyrannical, than England ever tasted of, and that under the notion of a Free-State, when as the people had no share at all in the constitution thereof, but by the treachery and falseness of the Lieutenant General Cromwel, and his Son in Law Ireton, with their Faction, was enforced & obtruded by meer Conquest on the people. And a little after, now rather than to be thus vassalized, thus trampled and trod under foot by such as over our backs have stepped into the Chair of this hateful Kingship over us, in despite of the consent, choice, and allowance of the Free-people of this Land the true fountain and original of all just Power (as their Votes against Kingly Government confess) we will chuse subjection to the Prince, chusing rather ten thousand times to be his Slaves than theirs, &c.*

Page. 11. They Vote and Declare, *The People the Supreme Power, the Original of all just Authority, pretend the promotion of the Agreement of the People; stile this, The first year of Englands Freedome; entitle the Government, A Free State; and yet none more bloody, violent and perverse Enemies thereto; for, not under pains of death*

and confiscation of Lands and Goods, may any man challenge or promote those Rights of the Nation, so lately pretended by themselves. Nothing but their boundless, lawless wills, their naked Swords, Armies, Arms is now Law in England, &c.

209.
Col. Morrice
Governour of
Pontefract for
the King, En-
dicted at the
Assizes at
York, con-
demned and
executed.

16. August, 1649. Col. Morrice (who kept Pontefract Castle for the King) was Endicted before Judge Thorpe and Puleston at Yorke Assizes upon the Stat. 25. Edw. 3. for leauying War against the late King and Parliament. The Colonel challenged one Brook (Foreman of the Jury) for being his professed Enemy; but the Court (knowing Brook to be the principal Verb, the Key of their work) answered Morrice, He spake too late, Brooks was sworn already. Brook being asked the Question, whether hee were sworn or no: replied, he had not yet kissed the Book. The Court answered, It was no matter, that was but a Ceremony, alleadging he was recorded Sworn, there was no speaking against a Record; Sure they made great haste to record him sworn before he could kiss the Book; so Brooke was kept in upon this caviel, by whose obstinacy, Morrice was condemned. I cannot wonder that legal Forms and Ceremonies are laid by (although justice cannot subsist without those Legalities to ascertain her proceedings, which otherwaies would be left at large to the discretion of the Judge) when I see our known Laws, Magna Charta, the Petition of Right. 3 Carol. and the rest, with the fundamental Government of this Nation, pulled up by the roots to carry on their Designs of enslaving the people to their lusts, notwithstanding the Parliaments Declarations, Remonstrances, Protestations, Covenants, and Oaths to the contrary; and their late Vote in the Act for Abolishing Kingly Government. That in all things concerning the Lives, Liberties, Properties and Estates of the people, they would observe the known Laws of the Land. But to return to our Relation: Then Morrice challenged 16. more of the Jury, where Puleston was so pettish, that he bad Morrice keep his compass, or else he would give him such a blow as should strike off his head. Until Morrice cited the Stat. 14 Hen. 7. fol. 19. whereby he might challenge 35. men without shewing cause: Here you see the Judges (which ought to be of Council with the prisoner in matter of Law) endeavouring to out-face, and blind the prisoner with ignorance
of

of the Law, being a Martial-man. Then he desired a Copy of his *Endiſſment*, that he might know what to answer, ſaying, he might plead Special as well as General, which the Court denied him. Next becauſe there was point of Law in it, he deſired to have Council, citing the *Stat. 1 Hen. 7. fol. 23.* which was likewiſe denied him; yet (I am deceived, if Rolfe had not Council allowed him, being endiſſed at *Wincheſter* for an endeavour to murder King *CHARLES the Firſt*) and had many other favours denied to *Morrice*. Then Col. *Morrice* for his diſcharge produced the *PRINCES* Commiſſion as *Generaliſſimo* to the KING his Father. The Judges answered, The Prince was but a Subject as *Morrice* was, and if he were preſent muſt be tried as he was, and reſected the Commiſſion without reading: *Morrice* told them, the Prince had his Authority from the King, in whoſe name all Judges and Officers did then Act. The Court answered, the power was not in the King, but the Kingdome. Obſerve, they endiſſed him for Leaviſing War againſt the King and Parliament. The word [*Parliament*] was a ſurpluſage; for which no Indictment could lye: no Allegiance, no Treason; and we owe Allegiance to the King alone; whoſoever Leavieth War in *England* (in the intendment of the Law) is ſaid to Leavy War againſt the King onely; although he aim not at his Perſon, but at ſome other Perſon: And if he that Leavieth War againſt the King, his Crown, and Dignity, be a Traytor; how much more muſt they be Traytors that have actually murdered the King, and Diſ-inherited and proſcribed his lawful and undoubted Heir; and (as much as in them lies) have ſubverted the Monarchical Government of the Land, and conſequently all Monarchical Laws; whereof the *Stat. of Treasons* for Leaviſing War againſt the Kings Maſteſty is one; and therefore *Morrice* under a Free-State ought not to be condemned or tried upon any Monarchical Law. So *Morrice* was found guilty by a Jury for that purpoſe. And an illegal preſident begun to cut off whom the Faction pleaſeth, under a pretence and form of Law, without help of a Council of War, or a private Slaughter-houſe, or a Midnight-Coach guarded with Souldiers to *Tyborne*. Theſe Uſurpers have got the old tyrannical trick, *To rule the People by the Laws, but firſt to over-rule the Laws by*

Three headed
consisting of,
1 Council of
War.
2 Council of
Stare.
3 Parliament

their Lawyers; and therefore, *Ut rei innocentes pereant, sunt nocentes judices*; that true men may go to the Gallows; Thieves must sit on the bench; but, *silent Leges inter arma*; and now, *silet Justitia inter Leges, silet Jus inter Judices*: The mungrel, hypocritical, three-headed conquest we live under hath dispoyled Justice of her ballance, and left her in a Military posture, with a Sword to strike, but no scales to weigh withall: Our licenced News Books (like Ill-Boading-Birds) fore-told and fore-judged *Morrice's* death a month before: *He dyed resolutely*. Observe the thing aimed at in this new form of Endictment of High Treason, for leavying War against the King and Parliament, is, first that the word [*King*] may hold in the Endictment, which otherwise would be found to have error in it; and though the word [*for Leavying War against the Parliament*] be a vain surpluse, signifying nothing; yet at last (by help of their own Judges, and new-made presidents) to leavy War against the Parliament, shall stand alone, be the onely Significator, and take up the whole room in the Endictment, and thrust the word [*King*] out of doors; and then *Treason* shall be as frequent as *Malignancy* is now. *Morrice* had moved, he might be *Tried* like a Souldier by a Council of War, alleading the inconvenience of such a president if the Kings Party should retaliate it, which would not be granted; yet Col. *Bethel* writ to the General, and his Council of War, desiring he might be reprieved: but Col. *Pride* opposed it, urging, *That it would not stand with the justice of the Army* (you see now who is the fount of Justice) *nor the safety of the Commonwealth*, to let such *Enemies live*, the Parliament having adjudged him worthy of death, (without hearing) and given instructions to the Judges accordingly. (O serviceable Judges!) so the General was overborn by this Drayman. This fellow sitteth frequently at the Sessions house in the *Old Bayly*, where the weight of his Slings turneth the scale of Justice which way he pleaseth.

210.
Cap. *Plunkett*
and the Mar-
ques of *Or-*
monds brother
voted to be
Tried.

Col. *Pride's* Dray-horses, the Commons in Parliament assembled, not yet satisfied with Blood, because they are out of danger of bleeding themselves, have voted that Capt. *Plunkett* and the Marques of *Ormond's* Brother (Prisoners in *Ireland*) shall be brought to Trial. If the Kings Party (in imitation of their Cruelty)

Cruelty) shall put to death the Prisoners they have taken, the Parliament will save their Arrears for their own privy purse: *These two cases, are examples of the greatest danger, and the highest contempt of Souldiers that ever were set on foot in any Age or Nation.*

29. August, 1649. came forth a Book, called, [*An out-cry of the young Men and Apprentises of London: Or, An Inquisition after the lost fundamental Laws and Liberties of England.*] truly and Pathetically setting forth the slavery, misery, and danger of the Common Souldiery and People of this Nation, and the causes thereof: well worth the reading.

211.
An out-cry of the young men and Apprentices of London concurring with those falsely called, Levellers.

About this time came forth an Act (forsooth) for the speedy raising and levying money upon the Excise: that is (as the Act telleth you) upon all and every Commodities, Merchandizes, Manufactures, as well imported or exported as made or growing, and put to sale or consumed, &c. That is, to lay impositions upon all we eat, drink, wear, or use, as well in private houses as victualling houses, ware-houses, cellars, shops, &c. as well what the Souldier devours in Free-quarter upon us, as otherwise, under unheard-of penalties, both pecuniary and personal to be paid, and levied with rigour. And to make every mans house lie open to be searched by every prowling Rascal as often as he or they please.

212.
Excise.

The Traytors, Tyrants, and Thieves, the Commons in Colonel Prides Parliament assembled, are now again frightened into a consideration of Forraign Plantations: And passing Acts, That they shall all be subject to the new Babel, or State of England: for which purpose they are very busie to undermine, divide, and subjeet the old and first Planters, that (if need be) these reprobate Saints may come in upon their labours, and the better to accommodate themselves there. In the Act for the sale of Kings, Queens, and Princes Personal Estate, they have given leave to their Agents the Commissioners to transport beyond sea (that is to say, to their own Plantations) (under pretence of sale) the rarest and choicest of the Kings Goods; they heap up abundance of wealth by Excise, Taxes, Goldsmiths-hall, Haberdashers-hall, Sequestrations, cozening the Souldiers, &c. That they may transport the whole wealth of the Land with them, and leave Eng-

213.
Forraign Plantations.

land naked, disarm'd and oppress'd with famine, and disabled to pursue them for revenge, or recovery of their losses.

214.
More gifts to
the Faction.

The said Commons are never wearied with exercising their bounty amongst their own Faction out of the publique purse, about 1300*l.* to Col. *Fielder* : to *Scobell* their Clerk (heretofore a poor under-Clerk in the Chanery, who writ for 2*d.* a sheet) besides an employment he hath already in the sale of publique Lands worth 1000*l.* a year) a Pension of 500*l.* a year ; and a Noble Fee for every Copy of an Order taken forth, *toties quoties* ; although most of their Orders contain not above three or four lines ; an extortion far surmounting the Star-Chamber, or Council-Table, of which themselves so much complained : the *Diurnal* tells you, *an Act was read for satisfying the sufferings of two Members, who have been in the late War damnified many thousands* : these (I conceive) to be Sir *Tho: Ferrys* and Mr. *Robert Wallope* ; this satisfaction must be made out of the publique purse, which must be filled by Taxes again out of their private purses who have lost as well as they without satisfaction, or hopes of satisfaction, notwithstanding many Votes that all should be satisfied.

Numb. 319:
from Monday
Sept. 3. to
Monday, Sept.
10.

215.
O Cromwell re-
duceth *Jones's*
own Regi-
ment and o-
ther Regi-
ments in *Dub-*
lin. Let Sir *C.*
Coote and his
Regiment in
London-Derry
expect the like

O Cromwell hath reduced the Officers in Col. *Jones* his Regiment, and other *Dublin* Regiments, notwithstanding their valour and fidelitie shewn in raising the Siege of *Dublin* : you see he will trust none but his own immediate Creatures : this Faction casts out all other men, as *Quicksilver* spues out all other mettals (Gold excepted) so that by this, and many other examples, they may see that all their faithful services and bloodshed are poured into the bottomlesse tub of oblivion ; as their Arrear's are cast into the bottomlesse bagg of the Publique Faich.

216.
A violent ir-
ruption of the
Parl. Janisa-
ries upon the
Protestants at
Church in St.
Peters Pauls
wharf, Sunday
morn, 9. Sept.
1649.

Sunday 9 Sept. 1649. At the Church of Saint *Peters Pauls-wharfe*, Master *Williams* reading Morning Service out of the Book of Common-prayer, and having prayed for the KING, as in that Liturgy (established by Act of Parliament) he is enjoyned : Six Souldiers from St. *Pauls* Church (where they quarter) came with Swords and Pistols cocked into the Church, commanding him to come down out of the Pulpit ; which *Williams* immediately did, and went quietly with them into the Vestry : when

Part II.

The History of Independency.

when presently a party of Horse from *St. Pauls* rode into the said Church with Swords drawn and Pistols spanned, crying out, *Knock the Rogues on the Head, shoot them, kill them*; and presently shot at random at the crowd of unarmed Men, Women, and Children, shot an old Woman into the head, wounded grievously above forty more, whereof many are likely to die, frightened Women with Child, and rifled and plundered away their cloaks, hats, and other spoils of the Egyptians, and carried away the Minister to *White-hall* Prisoner. You see these Hereticks, Schismatics, and Atheists, that cry so loud upon *Liberty of Conscience* for their own Blasphemies, will allow no *Liberty of Conscience* to Protestants, notwithstanding their Doctrine and Form of Service is ancient, allowed, and commanded by known Laws, and approved of by all the Reformed Churches of Christendom. This strongly argues a Design in the three Kingdoms to root out Protestantism, as well as Monarchy, carried on by a conjunction of Councils & Forces between that Triumvirate of Rebels, *O Neal*, *O Cromwel*, and (as many wise men think) *Argyle*: who would not otherwise keep the Scots from complying with the *K I N C* upon modest and moderate terms, such as shall leave him in the condition of a Governing King able to protect His People from injuries at home and abroad, without which he is but—*magni nominis umbra*, the shadow and May-game of a King. Observe, this provocation was put upon the City when an Artificial Mutiny was raised at *Oxford*; and against the Great Horse-race appointed to be at *Brackley*, the 11. September, to draw both City and Country to joyn with the Mutineers: and then the Soldiers should have made their peace by themselves, and have left the rest to the mercy of the State, to raise more money upon them for *O Cromwel's* expedition in *Ireland*, who hath writ for more Recruits of Men and Money,

This Mutiny was not begun by Levellers.

Those bloody Saints that accompanied *O Cromwel* into *Ireland* (to make that Kingdome as miserable and slavish as they have made this) doe now poure forth the blood of their own bowels in great abundance: Gods vengeance having visited most of them with the bloody flux; whereof many die: But this is a secret that must not be known to the Ungodly, and therefore *O Cromwel* and his Council of War at *Dublin* have made

217.
O Cromwel's men sick in *Ireland*.

an Order, Declaring, That if any Person residing within the Garrison of Dublin, whether Inhabitants or Souldiers, shall (upon pretence of writing to their Friends) signifie the Transactions of the Army (between O Neale, and O Cromwel, it may be) or their Engagements with the Enemy, so as to set forth their Success, or Loss, until first the General or Council of War have signified (falsified the same to his Parliament of England, they shall incur the breach of the Article against Spies, and be accordingly punished with Death, &c. Here you see O Cromwel, in the first Year; nay in the first Moneth of his reign, sets up a military tyranny in Ireland, to which all People, as well not Souldiers as Souldiers, must submit their lives and fortunes, and the writing of news to their Friends of England (whereby their Lies and Forgeries may chance to be contradicted) shall be construed to be a Breach of the Article against Spies: not because Reason and Truth, or the Customs of War calls it so, but because the Sword puts this construction upon it. Take notice Ireland that this is the first year of thy Bondage if they prevail. And take notice England that O Cromwel and his Council and Party are resolved to Lie without controul if they prevail not; their Letters speak him to be 15000 strong before Tredah, which hath Articled to yield: That the next he will vouchsafe is Dundalke, and that Ormond flies from the face of this Josua; and Lying Prophets are sent over to gull the people into a belief. But the truth is, he is not able to draw together above 4000 or 5000 men, unless his Confederate O Neale joyn with him: And Ormond hath wit enough to know that sickness and famine in that wasted Country, are sufficient to deal with O Cromwel without his running the hazard of an engagement with such desperate forlorn wretches.

218. Col. Bromfield, Hooker, Cox, and Baynes, Citizens, who the last year were committed upon suspicion of High Treason (to which Unreasonable Fees extorted every offence against this new Babel-State is now wrested (notwithstanding the Stat. 25 Edw. 3. for limitation of Treasons) by Birkhead as in an infectious season all diseases turn to the plague) and were then discharged for want of matter to make good the Charge: are now again imprisoned (in the first year of Englands Liberty) at the request of Birkhead (Sergeant at Armes to the Commons) until they pay such unreasonable Fees as he pleases

Unreasonable
Fees extorted
by Birkhead
by Dures of
Imprison-
ment; with
the conni-
vance of the
Commons.

ses to exact from them: This had been great Extortion and Tyranny in the *KINGS* time, when this Nation enjoyed so much freedom as to call a Spade a Spade; an Extortioner, an Extortioner; and a Tyrant, a Tyrant. And reason good; for if such Fees be legally due, *Birkhead* hath Legal means to recover them; if not Legally due, it is Extortion in him to demand them in so violent a way; and Tyranny in his Masters the Commons to maintain him in it.

Sir *Henry Mildmay* lately coming to the Tower, and perceiving the Countess of *Carlisle*'s window had some prospect to Col. *Lilbourn*'s Grates (out of his parasitical diligence) told the Lieutenant of the Tower, *That notwithstanding the distance was such as they could not communicate by speech, yet they might signify their intentions by signs upon their fingers, to the prejudice of the tender, infant State;* and accompanying this admonition with some grave and politick Nods, hasted away to the Council of State, and (being both out of breath and sense) unloaded himself of his Observations there; and was seconded by *Tho. Scot* (the Demolisher of old Palaces, and Dethroner of young Maydenheads, before they are ripe) who much aggravated the danger, and applauded the Observer. Sure Sir *Henry* hath not yet forgot the bawdy Language of the hand and fingers; since he first, in Court began, to be Ambassadour of Love, Procuror, Pimp or Pandor to the Duke of *Buckingham*; and laboured to betray the honour of a fair Lady (his nearest Ally) to his Lust, had not she been as Vertuous as he is Vitious (if it be possible for any Woman to be so) and did actually betray others to him. I can tell you that very lately Sir *Harry* (pretending himself taken with the Wind-collick) got an opportunity to insinuate himself into a Citizens house in *Cheapside*, and tempted his Wife; but had a shameful repulse: but more of this I will not speak, lest his Wife beat him, and give an ill example to other Women, to the prejudice of our other New States-men, and their New erected *Sodomes* and *Spintries* at the Mulbury-garden at *St. James*.

Master *Gybs* (Master of a Ship) having caused three fellows to be committed to *New-gate* upon Felony, for Robbing him: These Fellows sent to Col. *Harvey*, *That if he would procure their Liberty, they would discover to him several Merchants who had*

L I

219.
Sir *Har. Mildmay*'s Politick Observations, Chaste Conversation, and first initiation at Court.

220.
Felons fetched out of *Newgate* to inform against Merchants for not paying Customes lately

lately stoln Customes : Whereupon, Harvey sends for those Rogues out of *New-gate* hears their Accusation, approves it, prosecutes the Merchants upon the Information of those Villains, discharges them of their Imprisonment by his own power, and recommends them to Col. *Deane* to be employed in the Navy. And one Master *Lovel* a Silk-man in *Saint Lawrence-lane*, is committed to the *Gate-house* Prisoner, because he refuseth to swear how many Bayls of Silk he hath come over : If the first year of our Liberty make such presidents, what Monsters will the Sixth and Seventh year produce? All Princes begin with moderation : The Elders gave good Counsel to *Rehoboam*, *Serve the People one day, and they will serve thee for ever hereafter*. Nero had a commendable *Quinquennium* ; But our Novice Statists are Tyrants *ab incunabilis* ; Oppressors with shels upon their heads, from the Nest, before they are fledged ; what will they be hereafter ?

221.
Sommer-hill
given to Brad-
shaw. A sop
for Cerberus.

Sommerhil, a pleasant Seat, worth 1000*l.* a year, belonging to the Earle of *Saint Albans*, is given by the *Juncto* to their Blood-hound *Bradshaw*, so he hath warned the Countess of *Leicester* (who formerly had it in possession to raise a Debt of 3000*l.* pretended due to her from the said Earle, which she hath already raised four-fold) to quit the possession against our *Lady-day* next.



The Protestation and Declaration.

222.

THE Premises considered, I do hereby in the name and behalf of my self, and of all the Free people of England, Declare and Protest, That the General, Council of War, and Officers of the Army, by their said violent and treasonable force upon the far major, more honest and moderate part of the House of Commons (being above 250.) and leaving only fifty or sixty Schismaticks of their own engaged Party sitting and voting under their Command, and almost all of them such as have and do make a prey of the Commonwealth, to enrich themselves and their Faction, have broken, discontinued and waged War against this Parliament, and have forfeited their
Com-

Commissions. And the remaining Faction in the House of Commons by abetting, ayding, and concurring with the said Council of War, in the said rebellious Force, and by setting up new, illegal and arbitrary Courts of Judicature to Murder King CHARLES the First, our lawfull King and Governour (who by his Writ (according to the Law) summoned and authorized this Parliament to meet, sit, and advise with him, and was the Fountain, Head, and conclusion, or summatory end of the Parliament, and Supreme Governour over all Persons, and in all Causes of this Kingdome (and by Abolishing the House of Peers and the Kingly Office, and Dis-inheriting the Kings Children, and Usurping to themselves the Supreme Authority and Legislative Power of this Nation, in order to make and establish themselves a Council of State, Hogen Mogens, or Lords States General, and translate the said Supreme Power, and Authority into the said Council of State, and then Dissolve this Parliament, and perpetuate their said Tyranny and this Army, and Govern Arbitrarily by the Power of the Sword; and raise what illegal Taxes they please, and eat out, consume and destroy whosoever will not basely submit to their Domination. Have by the aforesaid wayes and means totally subverted this Common-wealth, and destroyed the fundamental Laws, Authority and Government thereof, Dissolved and Abolished this, and all future Parliaments, so that there is now no visible, lawfull Authority left in England, but the Authority of King CHARLES the Second, who is actually KING of all his Dominions presently upon the Decease of the King his Father, before any Proclamation made, or Coronation solemnized, notwithstanding that by his unjust Banishment (caused by the interposition of the said trayterous, combined, Antimonarchical Faction) He be eclipsed for the present, and not suffered to perform any Acts of Government to his three Kingdomes, and restore Peace, Plenty, Justice, Mercy, Religion, Laws, and Liberties to them again, which no hand but his own can bestow; and therefore in vain do the people long for, and expect Figs from Thistles, Grapes from Thorns: This Kingdome of the Brambles now set up, being onely able to Scratch and Tear, not to Protect and Govern them. I farther Declare and Protest, That this combined trayterous Faction, have forced an Interregnum and a Justitium upon us, an utter suspension of all Lawfull Government, Magistracy, Laws and Judicatories; so that we have not de jure, any Laws in

Principium
Caput & finis
Parliamenti.
Oaths of Al-
legiance and
Supremacy.

See 1. part.
sect. 105, 106.
and the Con-
clusions, 15,
16, 17, 18. and
return to sect.
79, 109, 110.
Stat. of Recog-
nition, 1 Jac.
Oaths of Al-
giance and
Supremacy.

force to be executed, any Magistrates or Judges Lawfully constituted to execute them; any Court of Justice wherein they can be judicially executed, any such Instrument of the Law as a lawful Great Seal, nor any Authority in England that can lawfully Condemn and Execute a Thief, Murderer, or other Offender, without being themselves called Murtherers by the Law, all legal proceedings being now coram non JUDGE; nor can this remaining Faction in the House of Commons shew any one President, Law, Reason, or Authority whatsoever for their aforesaid doings, but onely their own tyrannical Votes, and the Swords of their Army: Wherefore I do further Declare and Protest before God and the World, That all Free-born Subjects of the Kingdomes of England and Ireland, are bound by the Scat. of Recognition, iⁿ Jac. and by all our Laws and Statutes, By their Oaths of Allegiance, Obedience, and Supremacy, the Protestation and National Covenant, by very many Declarations, Remonstrances, Petitions, and Votes of this Parliament, and all Souldiers are engaged also by their own Declarations, Remonstrances, and Proposals, to defend, assert, and vindicate with their lives and fortunes, the Person, Authority and Title of our aforesaid lawful KING and Supreme Governour (the undoubted Heir of all His late Fathers Dominions) CHARLES the Second, by the Grace of God, King of Great Britain, France, and Ireland, &c. against all Opposites and pretended Authorities whatsoever, unless they will be guilty of the fowlest sins of Treason, Rebellion, Perjury, and perfidiousness against their God, their King and Country; and of prostituting the Religion, Laws, and Liberties of the Land, their Wives, Children, and Estates to the lusts of an Armed Faction, usurping a far more Arbitrary and Tyrannical power over our Consciences, Persons, Liberties, and Estates, than ever was known in England before, or then is now used by the Russe, Turk, or Tartar, or any the most enslaving and lawless Tyrants under Heaven.

223.
Compare the date of the K. Commissions with those of the Parliament, and their Declarations on both sides.

An Exhortatory Conclusion to the English Nation.

TO conclude the series of Affairs and Action on both Parties (especially of late) rightly compared, it appeareth by the sequel, That King CHARLES the First, from the beginning

ginning took up defensive Armes to maintain Religion, Lawes, Liberties, and the ancient fundamental being of Parliaments and this Kingdom : and that there alwayes was, and now especially is, a predominant Faction in Parliament (notwithstanding their frequent Declarations, Remonstrances, Petitions, Protestations, Covenant, and Votes to the contrary) conspiring with a Party (especially of Commissioned Officers of the Army) without the Houses to Change the fundamental Lawes and Government of the Church and Common-wealth, to usurp into a few hands the Supreme Authority, to enslave the People with an Olygarchicall, Military, and Arbitrary Government, to raise what illegal Taxes they please to establish their tyranny and enrich themselves and their Party, to oppress, consume, and devour all men of a judgment contrary to their Interest; to Murder them by new-declared arbitrary Treasons, contrary to the *Stat. 25 Edw. 3.* for ascertaining Treasons; to Disfranchise them of their Birth-right; and make them *Adscriptios Glebe*, Villains Regardant to their own Lands, which the Nobility, Gentry, and Yeomanry plough, sow, and reap, whilst Brewers, Dray-men, and Coblers eat, drink, and play upon the sweat of their labours; and are the Usufructuaries of their Estates. All which they have lately brought to pass; wherefore let all true Englishmen (as becomes good Christians, good Patriots, and gallant Men) claim their Birth-rights, and with own voice cry out.

1. *We will not Change our Antient, settled and well approved Laws to which we are Sworn.*

2. *We will not Change our Antient and well-tempered Monarchy to which we are Sworn.*

3. *We will not Change our old Religion for New Lights and Inventions.*

4. *We will not Subject our selves to an eighth part of one Estate or House of Parliament, sitting under a force, and having expelled two hundred and fifty of their Fellows (more Righteous than themselves) by force, and usurping to themselves the Supreme Authority.*

5. *We will not be subjected to a new Supreme Authority usurped by forty ambitious, covetous Tyrants, arrogating to themselves to be a Council of State, and designed to supply the room of Parliaments, under what name or Title soever they mask themselves.*

6. *We will not submit our selves to a Military Government, or Council of Officers.*

7. *We must and will have A KING, and The KING whom the Lawes of God and this Land have Designed to us, we being by the Oaths of Allegiance, Obedience, and Supremacy sworn to bear Faith and true Allegiance to King CHARLES the First his lawfull Heirs and Successors.*

See the Stat. of Recognition, 1 Jac. and the Oaths of Allegiance, Obedience, and Supremacy.



Hic telum infigam, moriarque in vulnere—

Postscript.

1. **R**Eader, at the latter end of my First part of *The Historie of Independency*, I have presented to thy consideration, some General Conclusions arising out of the Premises; the same Conclusions do as naturally arise out of the Premises of this Second part of the History: and doe as aptly serve to illustrate this Second, as that First part; wherefore to that First part I send thee for opening thy understanding.

2. When our old Lawes run again into their Antient Channel, and the Sword of Murder is sheathed, and the Sword of Justice drawn; the Author engageth to publish his Name and Apologie, and shew what he hath done and suffered for the Parliament and Kingdome.

THE END.

II.

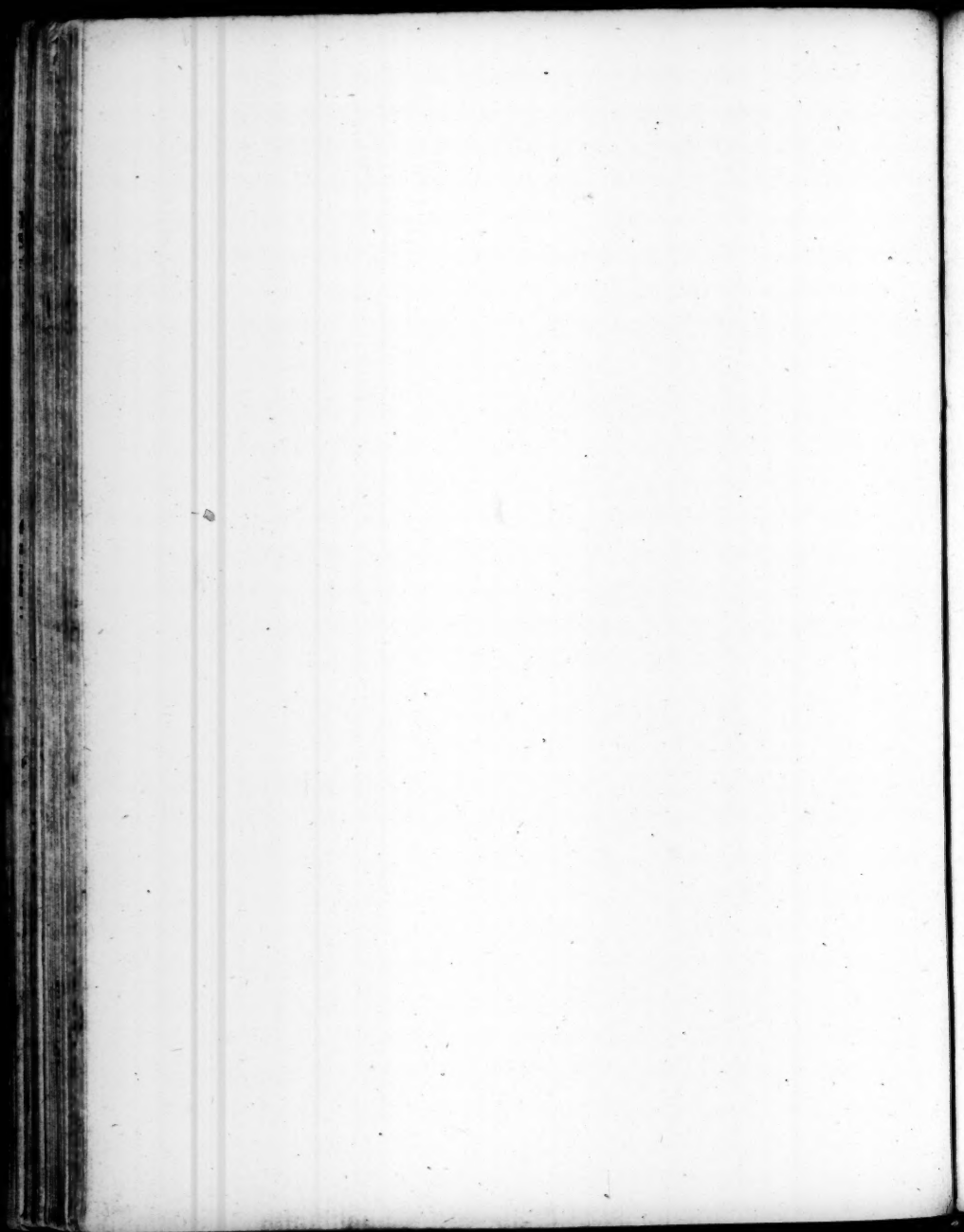
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THE
 High Court
 OF
 JUSTICE,
 OR
 CROMWELLS New Slaughter-
 House in
 ENGLAND.

With the Authority that Constituted,
 and Ordained it.

Arraigned, Convicted, and Condemned,
 FOR
 Usurpation, Treason, Tyranny, Theft
 and Murther.

Being the Third Part of the *History of*
 INDEPENDENCY,
 Written by the same Authour.

Printed *Anno Domini* 1660. In the second Year
 of the States Liberty, and the Peoples Slavery.

Plin. Paneg. ad Trajanum.

Olim criminibus, jam legibus laboratur; & metuendum est, ne legibus fundata Respublica, sit legibus eversa.

Isaiah 59. vers. 3, 4.

Your hands are defiled with blood, and your fingers with iniquity, your lips have spoken lyes, your tongues have muttered perverseness. None calleth for Justice, nor any pleadeth for truth; they trust in vanity and speak lies, they conceive Mischief, and bring forth Iniquity.

Vers. 7.

Their feet run to evil, and they make haste to shed innocent blood; their thoughts are thoughts of iniquity, wasting and destruction are in their pathes. The way of peace they know not, and there is no judgement in their goings.

Vers. 11.

We look for Judgement, but there is none; For Salvation, but it is far from us.

Vers. 14.

Judgement is turned away backward, and Justice standeth afar off; For truth is fallen in the streets, and Equity cannot enter.



That everything is kept and maintained by the same wayes and means it was got and obtained, *Unumquodque conservatur eodem modo quo fit.*
is a rule true both in Philosophy and Policy.

And therefore Dominion gotten by fraud and force, must by fraud and force be preserved. Things impiously got, must be impiously kept. When usurped Tyranny layes its foundation in blood, the whole Superstruction must be built with Mortar, tempered with blood. One sin must defend and make good another. And hence ariseth a Necessity upon Ambitious men to flanke and fortifie one Crime with another. But to plead this Necessity, which they have so wilfully drawn upon themselves, in justification of their wicked Courses. To expect submission, obedience, and an equal engagement from men uninterrested therein; and to entitle the Divine Providence and unrevealed Will of God thereto (in opposition to His Will revealed and declared in the Scriptures, as is now a dayes used) is to accuse the Holy Ghost of our Sins, and an Hypocrisie so impudently sinful and damnable, that I doubt no Age but this (the Dregs and Lees of time) ever gave an example of the like.

TO illustrate my first Maxime by some forreign Examples (before I lay the Bastard at our own Doors) *Sylla at Rome, by the power of the Sword, proclaimed (or voted) himself Dictator, to make good which usurpation with a Mask of Authority, he compelled the Senate, or Parliament) to approve of all his forepassed*
A 2. *Vil-*

*Villanies, Murthers, and illegal Acts, and to confer a power upon him; To kill whom he pleased and confiscate their Estates; To build and destroy Cities; Dispose Kingdomes; And exercise an Arbitrary, Supreme Authority, and then (to establish himself in his self-created power) he posted up at Rome, and in most Cities of Italy, Bills of Proscription or Outlawry, containing the names of such persons, as (without any form of Law or Justice) he appointed to be slain by his Soldiers. These Proscribed men were (for the most part) such as having some sparks of Roman vertue in them, durst love the antient Government, Laws and Liberties of Rome, and were therefore thought fit to be weeded out, as Malignants against his Innovations and arbitrary courses. Yet many mean spirited fellows, were proscribed and murdered, partly for confiscation of their Estates, and partly to gratifie the malice and hatred of particular friends who (in that carnage) prayed in aid of *Syllas* sword to rid them of their Enemies.*

After this Augustus Cæsar at Rome, having by terror of Arms made himself Consul, and finding himself not strong enough singly to subjugate his Country, he called Antonius and Lepidus to joyn with him, with whom entring into confederacy to subvert the fundamental Government, and usurp the Supreme Authority; they divide that vast Empire between them, and passed a Decree amongst themselves, that they should be called the Triumvirate for Reforming and Re-establishing the Commonwealth (well enough before if they had let it alone) with Supreme Authority to give Estates and Offices to whom they thought fit, without asking the advice of Senate or people. They appointed what Consuls, Magistrates & officers they pleased
They

They designed rich donatives, and 18 of the Chief Cities of *Italy* to be given to their Souldiers, if, by their valour they should obtain victory over *Brutus* and *Cassius*. They fixed publick lists or Tables of Proscription, naming such persons as they exposed to slaughter. They proscribed at one time 130 Senators, at another time 150 and 2000 Knights. Whereby the best men for understanding, Conduct, Resolution and Affection, being cut off, the rest (terrified by their example) became but *Terra Maledicta* (as Chymicks call it) dull liveless Ashes or clods of Earth, without power or vertue to quicken them, or make them productive. After some revolutions, wherein *Augustus* and *Antonius* had discarded the dull and stupid *Lepidus*, and (at last) *Augustus* had subdued *Antonius*: *Augustus* usurped the Title of *Tribune of the People*, whereby his Person became sacred and inviolable; and (humouring the irrational Animals) took upon him the special Protection of that Brutish Herd, the Rascal Multitude, the Tribunes of the people having been originally instituted to Protect the people. His next step was to make himself *Perpetual Dictator*, whereby he arrogated to himself a vast unlimited power above all Lawes. The Tribuneship was his Buckler. The Dictatroskip was his Sword. And last of all (for Ornament only) He having already full power of an absolute Monarch (although he forbore the Title of (King) because it was hateful to the people, and against the Laws evca since the *Regifugium*) he took upon him the Title of *Princeps Senatus*, or President of the Senate; to keep a corresponding power over that great Counsel or Parliament: And finally usurped the Title and Office of *Imperator* or *Generalissimo* of all Forces by Land and Sea, Garrisons, &c.

Phi-

*In novum reg-
uum vi armis-
que partum re-
digere, atque
altris Novis le-
gibus domare
ac gubernare
Belgium.
Mezeran. in
anno 1567.
Roidan in an.
1566. John
Fraunces Pe-
ter. Thuanus.*

Philip King of Spain, Lord of the 17. Belgick Provinces, by several Titles, and under several limitations, Priviledges, Exemptions and Fundamental Laws, according to which he wasto govern, and they to obey : Resolving to subvert the Fundamentall Lawes and Government, and reduce those 17. petty Signiories into one meer absolute Monarchy, sent the Duke *D'Alva* thither (a Warriour of a resolute stern nature) Governour, with a powerful Army ; Who taking advantage of some rude Commotions formerly raised by the Protestants, in throwing down Images, and Sacrilegiously plundering Churches, erected a *New Tribunal Criminal*, or (to speak in our modern uncouth Language) *A High Court of Justice*, consisting of 12 Commissioners or Judges purposely chosen, most of them hangers by of the Law, of mean fortunes, practice, birth, and breeding ; Covetous, Ambitious, and slavishly addicted to the Spanish Faction. To these was given by special Commission full Power and Authority to enquire into, and judge (or to hear and determine) the forepassed Commotions, whereupon *they stiled this Court, Concilium Turbarum, but the multitude called it Concilium Sanguinis, or the Bloody Conventicle.* This Council or Inquisition did supersede or extinguish the Authority of all other Courts of Judicature, and make void all Laws, Constitutions, Jurisdictions, and Priviledges of the Nation, as to the aforesaid commotions, and all other causes they pleased to call High Treason. *They had no other bounds nor limits in their proceedings, than what they prefixed to themselves in certain Articles.* Some few whereof I will here present unto my Reader, because they judged of High Treason by those Articles, not by
the

the known Laws of the Land (a thing very observable and applicable to my purpose) so that they were not only Judges, Leges dicere, but also Law-makers, Leges dare: as all Judges are who take upon them a liberty to observe no set forms of proceedings, but at their own pleasure.

1. Article. All Petitions heretofore tendered to the States, or Cities Corporate against the erecting of new Episcopal Sees: or against the Holy Inquisition: or requiring a Moderation of Decrees or Acts of State Parliament, are accounted meer conspiracies against God and the King.

Petitioning against Innovations in Government, and for the known Laws made Treason, the like.

the Parliament practiseth against such as petitioned for peace by accommodation. And against our High Court of Justice, Arbitrary Imprisonments and Taxes.

2. Art. All Nobles, Gentry, Judges, Magistrates, and all others who connived at Heretical Sermons, plundering of Churches, and delivering such Petitions as aforesaid, pretending the necessity of the times, and did not resist and oppose them.

3. Art. *Whosoever affirms that all His Majesties Subjects of Belgia have not forfeited their ancient Privileges, immunities and laws for Treason: and that it is not lawful for the King to use and handle them for the aforesaid Treasons as he pleaseth,* to prevent the like Treasons for the time to come, and that the King is not absolved thereby from all Oaths, Promises, Grants, Contracts and Obligations whatsoever.

We have forfeited our laws by conquest, or else our Grandees would not pass the two Acts for Treason, 14. May, 17. July, 1648 nor erect the High

Court of Justice, and abolish our ancient lawes and government. See Pol. 3. OH. 1650, and the Case of the Kingdome stated.

Art. 4.

Compare this
with the two
Acts for New
Treasons, 14.
May, 17. Ju-
ly, 1649. and
the Act 25 March, 1650. and Sir John Gells Case stated.

4. Art. They that affirm this Council or High Court of Justice exercise Tyranny in their Proceedings, or Judgements; and that they are not Supreme and competent Judges in all causes Criminal and Civil.

Our High
Court of Just.
exceeds all
this. See Sir
John Gells
Case stated,
Printed Aug.
1650.

5. Art. Those that in case of Heresie deny, that all manner of Informers and Witnesses of whatsoever Degree and condition they be, are to be credited: and that upon the Testimony of any two witnesses, this High Court ought to proceed to Judgment, Execution, and Confiscation of life and goods, without publishing the cause or charge, and without any legal form of Trial. All these are guilty of High Treason against God and the King.

The Rigour, Cruelty, and Injustice of this New erected Counsel of Blood, or High Court of Justice, enforced the Low Countries to revolt and cast off the King of Spain.

Let us now examine whether in some one little Province or Island belonging to that vast Roman Empire: and in some mean petty fellowes (Natives of that Island) men even at home of obscure Birth, Breeding, and Fortunes; we cannot finde examples of Ambition Usurpation, and Tyranny, as high and transcendent, as bloody and destructive, as covetous and greedy, as any of the fore-recited presidents: And (which is worst of all) carried on by those that call themselves Christians, nay Saints, (which is more than they vouchsafe to Saint Peter and

and the rest of the Apostles, though glorified Saints in the Church Triumphant) and such as in all their bloody, oppressing, cheating Designs (promoted by Perjury, Treachery, breach of Faith, Oaths, and publick Declarations) pretend to the singular favour, Providence and will of heaven, as confidently, as if they could shew Gods special Commission, to warrant Usurpation, Treason, Tyranny, and Thievery.

It is not unknown by what Artifices, frauds, falsified promises, Oaths, and Covenants, a party of *Antimongarchists, Schismatics, and Anabaptists* lurking in the Parliament fooled the people to contribute their blood and money towards the subduing of the King (and in him of themselves) and how by the same wayes and subtilties the said party in the two Houses (now combined openly, under the General Title of *Independents*) engaging and conspiring with the Officers of the Army and Souldiery expelled by armed force seven parts of eight of the House of Commons, leaving not above 43. or 44. of their own engaged party sitting, men enriched with publick spoils) and voting under the power of the Armies Commanders, whose commands are now become a law to the said sitting Members, as their Votes are become Laws to the Kingdome. In Obedience to their said Masters of the Army, The said remainder of Commons voted down the House of Lords (though an integral and principal Member of the Parliament of England, far antienter than the House of Commons, and having a power of Judicature to administer an Oath (which the House of Commons never had, nor preterded to have, until this time that they overflow their Bounds, and the whole Kingdomes, under the protection of their Army) which prerogative of the

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House

House of Lords is clearly demonstrated by the House of Commons standing bare before them at all conferences, as the Grand Inquest doth before the Judges) because they rejected the Ordinance for Trial of the King. And *now these Dregs and Lees of the House of Commons, take upon them to be a compleat Parliament*: To enact and repeal Statutes; To subvert the Fundamental Government, Laws and Liberties of the Land; To pull up by the Roots without Legal proceedings) every mans private property and possession, and destroy his life: To burden the people with unsupportable, unheard of, unparliamentary Taxes, Impositions, Excise, Freequarter, buying of New Arms after the Countrey have been disarmed of their old Arms three times in one year; Pressings and Leavying of Souldiers, Sequestrations, Plundering of Houses and Horse, and many other oppressions, more than the *Turke, Russe, or Tartar* ever heard of: of all which our *Grandeess are free*, and lay them upon others as partially as they please, purposely to consume them. To make Religion but a stalking horse to their Designs, and the Ministers thereof but Hostlers to rub down, curry, and dress it for their riding; to whom they send Commands, what they

In their Tax Rolls they usually set in the Margent to every name private notes of distinction, an M. an N. or P. The letter M. stands for Malignant; he that is so branded, is highly taxed, and his com-

plaints for redress slighted. N stands for a Neuter, he is more indifferently rated, and upon cause shewn, may chance to be relieved. The letter P. signifies a perfect Parliamentarian. He is so favourably taxed, as he bears an inconsiderable part of the burden, and that they may the better consume with Taxes and want, all such as do not concur with them in the height of their villanies. The pretended Parliament, are now debating to raise the Monthly Tax to 240000 lib. or to deprive every man of the third part of his Estate, both Real and Personal, for maintenance of their immortal Wars, and short lived Commonwealth. Besides Excise, Customs, Tonnage and Poundage, Freequarter, finding Arms and Horses, and the sale of Corporation Lands now in agitation. Whilst our Grandeess enrich all the Banks of Christendome with vast summes raised by publick Theft and Rapines.

shall,

Part III.

The History of Independency.

11

shall, and shall not preach to the people; as if preaching were the Ordinance of man, not of God. At last by way of preparative to their machinations, they pass these following Votes.

1. *That all Supreme power is in the people.*

2. *That the Supreme Authority under them, is in the peoples Representatives, or delegates in Parliament assembled.* Meaning themselves (you may be sure) the Quintessence and Elixar of the House of Commons, extracted by those learned Chimicks, Doctour Fairfax, Doctour Cromwel, and the rest, graduated at that degraded University of Oxford. Here note they voted the Supreme power to be in the people, that they might use those Gules as Conduit pipes or Trunks to convey the Supreme Authority into themselves, the better to enslave the people; And tickle them, whilest they fasten about their necks the Iron yoke of a Military Oligarchy, wearing the Mask of a perpetual Parliament.

3. *That whatsoever the Commons in Parliament shall enact, shall have the power and force of an Act of Parliament, or Law, without the consent of the House of Lords, or the Kings Royal Assent; any statute, law custom or usage to the contrary notwithstanding* (they might have said all our statutes, laws, customs, &c. notwithstanding) This one vote hath more of Dissolution and more of Usurpation and Innovation in it, than any I yet ever read of; *This is universally Arbitrary, and layes the Ax to the root of all our Laws, Liberties, Lives, and properties at once.*

What these men will, they vote :

What they vote is Law.

Therefore what they will is Law.

B 2

4. That

4. *That to wage war, or to bear Arms against the Representative body of the People, or Parliament is high Treason.* By the Law all Treasons are committed against the King, his Crown and Dignity.

5. *That the King hath taken up Arms against this Parliament, and is therefore guilty of all the blood shed this War, and should expiate those crimes with his blood.* If the King were not guilty, these men are; And therefore they passed this Vote, *se defendendo*. Yet observe that herein they became Judges in their own cause, and forejudged his Majesty before his Trial, if that may be called a Trial, that was carried on by men, who were both Accusers, Prosecutors, parties and Judges; and had neither Law, president, formality of proceedings, nor any other foundation of Justice or Reason to warrant them, nor were delegated by any lawful Authority?

These Votes thus passed, and by this kinde of men, were the foundation upon which they built their great Engine to destroy the King and Kingly Government together with the Religion, Laws, Liberties, Lives, and properties of the people; all condemned in that deadly sentence given against the King) For having (as aforesaid) created (by their own Votes) themselves as absolute a power as they pleased and cast the people and all they have into that bottomless Chaos of their Arbitrary Domination: They erect an Extrajudicial, unpresided High Court of Justice to Try (or rather to condemn without Trial) the King, consisting of 150. Commissioners, Souldiers, Parliament men, Trades men; the most violent, engaged and factious incendiaries of all the Antimonarchical faction: Amongst whom were many low con-

conditioned Mechanicks, and Banquerouts, whose Fortunes are since repaired out of the Kings Estate, and other publick Lands, Goods, and Offices, as a reward for that Royal Blood they spilt. The King the Fountain of Law, Justice, Mercy, Honour, War, and Peace; the Head of the Parliament, and Supreme Governour over all persons, and in all causes) thus violently removed; presently (as if the Mounds and banks of the Sea had been overturned) an impetuous inundation of bloody, thievish Tyranny and Oppression brake in upon us: So that no man can call his life, liberty, house, lands, goods, or any other his Rights, or Franchises his own, longer than the gracious aspect of some of our Grandees shine favourably upon him.

See Stat. Recognition
1 Jac. The
Oaths of Al-
giance, Obe-
dience and
Supremacy,
and all our
Law-books.

In the next place: contrary to their own Declarations of the 9. Feb. and 17. March 1648. Wherein they promise that in all things concerning the lives, liberties, and properties of the people, they will observe the known laws of the Land, with all things incident thereto) *They pass misbegotten Acts of Parliament,* This Stat. 25
one of the 14. of May, another of the 17. of July, 1649. Ed. 3. c. 2. S.
whereby (in derogation and annihilation of that ex- Johns against
cellent Stat. 25 Ed. 3. Chap. 2. Ascertain Treasons, Strafford, calls
and reducing them to a small number, and leaving no- the security of
thing to the interpretation of the Judges, that the peo- And the Stat.
ple might not be ensnared) *they exceeding by multiply- 1 Hen. 4. cap.
ing Treasons, bringing bare words as well as deeds within 10. Ed. 6.
the compass of that offence: and making many duties to cap. 12. 1.
which the laws of God & the land, the Protestation & Co- Maria 1. ra-
venant, the oaths of allegiance, obedience, & supremacy ob- tific and high-
lige us, to be high treason, & these new acts of treason pen- ly commen-
ned in obscure, ambiguous terms, purposely to leave a lati-
tude,*

lude of Interpretation in (their own creatures) the Judges, that the People may be ensnared.

The King thus taken out of their way. They passe pretended Acts. 1. *To Disinherit his Children.* 2. *To abolish Kingly Government for ever.* 3. *To convert our ancient well-tempered Monarchy into that*

They have converted our ancient Monarchy into a Free-State; and tell us they are the State. They tell us they have bestowed Liberty upon the people: but they and their faction only are the people. All the rest of the English Nation are annihilated, and reduced to nothing, that these fellows may become all things: Meerciphers, serving only to make them of more account. And this gross fal-lacy must not be disputed against, lest their New Acts of Parliament call it Treason.

(which they call a *Common-wealth, or Free-State*; although nothing be therein free but their lusts: nor hath it any form or face of Civil and just Government; wherein a confused Multitude rule by their own Wills, without Law: and for their own benefit; no consideration being had of the good and happinesse of the people in general. 4. *They Constitute a Senate, or Council of State of 40 men* (amongst which some Trades-men, Souldiers, illiterate Lawyers, Parliament-Members, men already engaged over head and eares in sin, therefore to be confided in) to these or any nine of these they entrust the Administration of this Utopian Common-wealth, and these they would have us believe (without telling us so) are the Keepers (or Gaolers) of the Liberties of *England.*

These things being but Introductions to the Usurpation of these Kinglings: and having been already shewed to the world by many pens. I content my self to give a cursory view of them, and haste to my intended task, to shew that this Usurped power is kept and administred by as wicked and violent policies, as it was gotten by.

The first endeavour of all Tyrannical Usurpers is, To lessen the number of their Enemies; either by flustering

flattering and deceiving them: or by violently extirpating and rooting them out. And such have been the attempts of our new *Cromwellian* Statists, ever since (withont any calling from God or the people) they took upon them the Supreme Authority of the Nation; subverted our well-mixed Monarchy, and created themselves a Free-State

1. They endeavoured to sweeten and allure to act with them, as many of the Secured and Secluded Members, Ministers, and other Presbyterians, as they could, to the end that *ex post facto* being guilty of their sins, they might be engaged in one common defence, and go halves with them in their ignominy and punishment, though not in their power, profit, and preferments, in which the Godly will admit no Rivals, but (like their Patron the Devil) cry all's mine. But this Design failed for the most part.

1.
A Collusive
Accommoda-
tion.

2. Their second Endeavour was how to diminish the number of their Opposites, Royalists and Presbyterians, by a Massacre, for which purpose many Dark Lanthorns and Poniards were provided last Winter, 1649. But fame prevented this plot: which coming to be the common rumour of the Town, put them in mind of the danger, infamy, and hatred that would overwhelm them. So this was laid aside.

2.
An intended
Massacre.

At last they invented two other Engins, no less bloody then, and as effectual as a Massacre.

3. The Engagement is the first of these two Gins) which all persons are enjoined to subscribe by their Act 2 Jan. 1649. To be true to the Common-wealth of England, as it is now established, without a King, or House of Peeres. And this is obtruded under no less penalty, than, To be totally deprived of all

3.
The Engage-
ment.

Benefit

Benefit of Law whatsoever. Now the Lawes of the Land being the only Conservators of our Lives, Liberties and Estates (without which Lawes all men have a like property to all things, and the strongest have right to all is possess'd by the weaker; since the Law onely distinguisheth *Menum* and *Tuum*) what is this but to expose the Liberties of the Non-Engagers to false Imprisonments; our Estates to rapine, spoil, and injustice: and our Lives and Persons to wounds and murders, at the will and pleasure of such as will engage with our Usurpers: but especially at the pleasure of their own Souldiers: to whom (I conceive) this Outlawry was intended as an Alarm or Invitation to plunder and massacre the Non-Engagers, and to pay themselves their Arrears of which these Parliament men have coufened them) out of their Estates, and though the Souldiers were not so wicked as their Masters, yet we daily see many good Families in *England* despoiled of their Estates, for want of protection of the Lawes, brought to miserable beggery, rather than they will wrong their consciences by subscribing this damnable Engagement contrary to the Protestation and Covenant imposed by this Parliament, contrary to the known Law of this Land, which this Parliament hath declared to observe and keep in all things concerning the lives, liberties, and properties of the people, with all things incident thereto; contrary to this Parliaments reiterated Votes, that they would not change the Ancient Government, by a King, Lords and Commons. And contrary to the Oathes of Allegiance, Obedience, and Supremacy: whereby (and by the Stat. of Recognition, 1 *Jac.*) our *Allegiance* is tied onely
to

to the King, his Heirs and lawful Successors; from which no power on earth can absolve us, and so much we attest in the Oath of Supremacy. *Politicks* (Interpreter to our new State-puppet play) Numb. 19. from Sept. 19. to Sept. 26. out of the dictates of his Masters tells us, that in Answer to the Kings Act of oblivion granted, the Parliament intends to pass an Act of General pardon; for which they expect in future a General obedience and submission to the Government (you see though they will not be the Kings subjects, they will be his Apes) and in the beginning of the said Pamphlet, *Politicks* saith, That Protection implies obedience, otherwise they may be handled as publick Enemies and Out-laws, and ought to be destroyed as Traitors. Here you have the end to which this general pardon is intended; it is but a shooing-horn to draw on the utmost penalty upon Non-engagers, appointed by the said pretended Act 2. Jan. 1649. to weed them out of this good Land, that the Saints only may enjoy the earth and the fulness thereof; to which purpose all their new coyned Acts and Laws are directed. The Scripture points forth these kind of men, when it saith, *The Mercies of the wicked are cruel*. The sum of all is, If we will not acknowledge Allegiance to these Mushromes, we shall be Traitors without Allegiance (a Treason never yet heard of in any Law) If we will acknowledge Allegiance, we put our selves in a capacity to be Traitors, when they shall please to make us such. But let them know, That we are all Englishmen, Free-born alike, under the protection of an ancient, legal Monarchy, to which we owe Allegiance; and how we come to forfeit that legal Protection, our settled Laws

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and Government ; and be subjected to a New , unknown protection obtruded upon us by a company of upstarts (Mulhromes of Majesty, so mean in birth and breeding (for the most part) that the place of a Constable equalls the highest of their education) imposing what Laws and conditions upon us they please ; I would be glad to hear without being hindered by Guns, Drums, High Courts of Justice , and other Instruments of Violence and Murther. But the greatest Mystery in this cheat is, That our Self-created Supremists , having voted the original power to be in the people, and but a derivative Authority to be in themselves as the Representative of the people, should notwithstanding so yolk their Sovereign Lord the people, and make them pay Allegiance to their own Delegates (the eighth part of a House of Commons) under the penalty unless they subscribe as the far major part have not) of out-lawing and depriving all the people of this Land of all benefit of the Laws they were born to ; and consequently of annihilating and making them no longer a Nation or people. As if they were meer Salvages , newly conquered , collected and formed into a politick body or Commonwealth , and endowed with Laws newly invented by the Novice Statists. But the unlawfulness of the said Engagement with the Injustice of the Self-created power that obtrudeth it hath been handled by many good pens , especially by the *Cheshire* and *Lancashire* Ministers in their plea for Non-subscribers. Therefore I pass on to my principal scope; *The second Engine appointed to root out all such as are of a different party , the High Court of Justice.* A formidable Monster, upon which no pen (that I know of) hath yet adventured,

4. In treating of the High Court of Justice, I must consider, 1. *By what persons and Authority* this new erected unprelidented Court is constituted? 2. *Of what persons it is constituted?* 3. *The way and manner of their proceedings?* What Formalities and Laws they observe therein? How suitable to the known Laws of the Land, and the Parliaments Declarations, Protestations and Covenant they are? 4. *To what end this Court is constituted?*

4.
The High
Court of
Justice.

1. *The Persons constituting* this extrajudicial Court are the present pretended Parliament, consisting of forty or fifty thriving Commons only, who conspired with Cromwel and the Army to expel seven parts of eighth of their Fellow-Members, without any cause shewn, abolished the House of Peers, erected this High Court of Justice (*in nature of a Court Martial*) to murder the King, abolished Kingly Government, turned it into a thing they call a *Free State*, disinherited the Royal Family, and now usurp to themselves (*without any calling from God or the People*) more than a Regal, Legal or Parliamentary Authority, wherewith they have subverted the Fundamental Government, Religion, Laws, Liberties and Property of the Nation, and en-vassallised and enslaved them to their Arbitrary Domination; the Authority by which they erect this extrajudicial Court is, *The usurped, Legislative power*; by colour of which they passed an Act dated 26. March 1650. establishing the said High Court of Justice. *Yet their own creature Master St. Johns, in his Argument against the E. of Strafford* (in a Book called Speeches and Passages of this great and happy Parliament, printed by William Cooke, 1641. pag. 24.) saith, *The Parliament is the Representative of the whole King-*

dome, wherein the King as head, The Lords are the more Noble, and the Commons the other Members, are knit together as one body politick; The Laws are the Arteries and Ligaments that hold the body together. (And a little after) *Its Treason to embesel a Judicial Record, Strafford swept them all away. Its Treason to counterfeit a 20 s. peece; here is a counterfeiting of Law (so in these counterfeit new Acts) we can call neither the counterfeit nor true one our own. Its treason to counterfeit the great Seal for an acre of land, no property hereby is left to any land at all (no more is there by the votes and practise of our new Supremists (thus far Mr. St. Johns.) But that the Parliament doth necessarily consist of the King and the two Houses assembled by his Writ, & can pass no Act without their joint consent. See the preambles of all our Statutes, all our Parliament Records, all our Law books, *Modus tenendi Parliamentum*. Hackwells manner of passing Bills. Sir Tho. Smith *de Repub. Anglorum. Cambdeni Britania*. All our Historians, Politicians, and the uninterrupted practise of all Ages. That it is now, lately otherwise practised, is not by any Law of the Land, but by the will of lawless power and Rebellion, that hath cancelled all our Laws, Liberties and Properties, and subverted our Fundamental Government, and disfranchised and disinherited the whole Nation. Yet Master St. Johns in his said Argument against *Strafford*, pag. 38. was then of opinion, *That to subvert the Laws and Government, and make a Kingdome no Kingdome, was Treason at the Common Law*. This Act 26. Mar. 1650. is a new modelled Commission of Oyer and Terminer; and all the people of the Land, are by the consequence thereof disfranchised and proscribed. The illegality and tyranny*

ranny thereof, they have introduced, who in this Parliament so zealously complained against the Court of the President and Counsel of *Tork*, or of the North, as an intollerable grievance (notwithstanding it had been of as long continuance as from 41 H. 8.) as appears by a worthy *Members Speech or Argument against it* (in the said Book of Speeches and Passages p. 409. made by order of the House of Commons in April 1649. I find not one Exception there made against the Court of *Tork*, to which this upstart High Court is not more liable than it. 1. The Commissioners of this High Court are not appointed to enquire, per *Sacramentum proborum & legalium hominum*, that is, by Juries; as by *Magna Charta*, and above 30. Statutes confirming it, all Commissions ought to run. 2. They are not appointed (nor sworn) to hear and determine, *Secundum Leges Anglia*, according to the known Laws (as they ought to be) but according to certain Articles and powers given in the said Act 26. March, 1650. 3. The said Act 26 March leaves a dangerous latitude to the interpretation and discretion of the Commissioners (contrary to what is done in the Act 25 Edw. 3. chap. 2.) namely; It hath one Clause enabling them to inflict upon Offenders such punishment, either by death or otherwise corporally, as the said Commissioners, or the major part of them present shall judge to appertain to Justice. This leaves it in the breasts of the Commissioners (without any Law or rule to walk by) to inflict what torments and ignominious punishments they please, although not used in our Nation; and arbitrary corporal pains are proper to slaves, not to subjects. Here (after the loss of all but their bodies) the people may see their bodies subject to the lawless wills of

our Grantees. And by another clause, this Act empowereth the Commissioners, *To examine witnesses upon oath, or otherwise, if need be.* This word (*or otherwise, &c.*) gives them power to examine witnesses without oath (if they cannot procure witnesses so far the sons of Belial, and cauterised in conscience as to adventure upon an oath) even in case of life and death, and mutilation of members; contrary to the current of all our Lawes, and practise of all our Courts of Law, and of all Nations. See *Stat. 1 Edw. VI. chap. 12. 5 Edw. VI. chap. 11. Cooks 3. Inst. p. 24, 25, 26. Dent. 17.6. Ex ore duorum vel trium peribit qui occiditur.* Deut. 17.6. Matth. 18.16. John 18.23. 2 Cor. 13.1. Heb. 10.28. This is the most arbitrary and destroying liberty that ever was given to Judges; And such as none but professed thieves and murderers will accept or make use of. The Scripture saith, *An oath is the end of controversy between man and man.* How then can they end and determine a controversy without oath? But the end of all controversies before this Butcher-row of Judges, is cutting of throats, and confiscation of estates. And by the same clause of the said Act (*To examine witnesses*) they may, and (*I hear*) do examine witnesses clandestinely, and proceed upon bare Depositions read in Court, whereas they ought to produce the witnesses face to face in open Court, and there swear them, that the party accused may interrogate them, and examine the circumstances, and whether they contradict themselves, or one another, for clearing the Evidence? And whether they be lawful witnesses or no? Nay (*I hear*) they do privately suborn and engage witnesses without oath. And then produce them

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See Stat. 5 Ed.
6. chap. 11. &
Cooks 2. Inst.
pag. 26.

to swear what they have formerly related only : and if they scruple at an oath; punish them for mis-informing the State. 4. That I may make some more use of the aforesaid Members words, *Whether the King, or a prevailing Party usurping his Kingly power, may canton out a part of his Kingdom (or call and mark out for slaughter some principal men, and deny them the benefit of Law, in order thereto, as these Judges do) to be tried by special Commission, since the whole Kingdom is under the known laws and Courts established at Westminster ?* It should seem by this Parliaments eager complaint against the special Commission of York, this Parliament hath determined this question in the negative already (whatsoever their present practise to carry on their Design is) See Stat. 17. Car. 1. against the Star-Chamber. To what purpose serve those Statutes of *Magna Charta*, and the *Petition of Right*, if men may be fined and imprisoned (nay murdered) without Law, according to the discretion of Commissioners ? This discretion is the quick-sand that hath swallowed our Properties & Liberties (but is now ready to swallow our carcases.) Thus far that Gentleman, Whose words then carried the Parliamentary stamp upon them. Let me add some more exceptions of my own against this High Court of Injustice. 5 *Souldiers of the Army are appointed by the Act 26 March, to be assistant to the Commissioners*, contrary to the peaceable proceedings of the Law, which never makes use of any but Civil Magistrates and Officers of the Law. See Stat. 7 Ed. I. 2 Ed. III. chap. 3. 7. R. 2. chap. 13. 6. *And contrary to the old oath which all Judges ought to take, in these words. You shall swear well and faithfully to serve the King and people, in the Office of Justice, &c.*

And

And that to what estate and condition they be come before you in the Sessions with force and arms, against the peace, against the Statute thereof made, to disturb the Execution of the Common Laws, or to menace the people, that you arrest their bodies, &c. Stat. 18 Ed. 3. in An. Dom. 1344. p. 144. Poultons Book of Stat. at large. But the oath appointed for these Commissioners to take, is not penned in terms of indifferency, nor doth any waier oblige them to the people, 26. Mar. 1550. (viz.) You shall swear well and truly according to the best of your skill and knowledge, to execute the several powers given you by this Act (not well and lawfully to serve the people.) Besides, they swear to execute the several powers given (not to do Justice according to the Laws. Now the Laws are the only rules of Justice, by which we distinguish crooked from strait, true from false, right from wrong. This is not the work these Judges are packed for, but to execute Acts of power and will. But powers are often usurped, tyrannical, illegal and unjust: So are these. *Injuria est quod contra legem fit.* 7. How can the House of Commons (if it were full and free) constitute a new unpresidented Court of Justice, nominate and ordain Judges, and enable them to administer Oaths, having never had, nor so much as pretended to have any power to judge, to nominate Judges, or to administer an Oath; as having never been more than the Grand Enquest of the Kingdom, humbly to present to His Majesty in a petitionary way, the grievances of the people? *Nemo dat quod non habet.* 8. Suppose the House of Commons had power of Judicature, delegated to them from the people as their Representative? *Delegati non possunt substituere Delegatos, & Protestatam sibi concreditam, in alios transferre.*

Delegates

legates cannot make subdelegates, and transfer their trust to others. See Col. *Andrews* 3. Answers given into this High Court, for his defence. Printed at the latter end hereof.

2. My second consideration will be, *Of what Persons delegated or Commissioned, this Court consisteth?* The pretended Act. 26. March 1650. names 25. Commissioners, all which (for their better credit) it enacteth Esquires, amongst whom are 4. or 5. that have professed the Law, (as farre as wearing a Lawyers Gown comes to) but were better known by their leisure then by their Law; untill by adhering to our prevailing Schismaticks, in subverting our Laws, they seem to be eminent Lawyers. Of *Keeble* see the Triall of L. Collonel *John Lilburn*, first and second Part. *Steel* cited expired Statutes at *Winchester* against Captain *Burley*. The rest are (for the most part) poor ignorant Trades men, some so young they are but lately out of their Apprentiships, others Broken Trades-men that have compounded with their Crediturs, some of vild and base professions; One or two of these Wolvish Saints (I hear) have with some difficulty escaped the Gallowes for Man-slaying: *William Wibeard* Esquier is a Rope-seller: this employment may happily help him to the Hangmans Custom. *William Pemoier* Esquire was heretofore an Ape-carrier, Cherry-lickom or Mountredin&ido. *Cook* a Vintner at the Bear at the Bridge-foot, he keeps a vaulting-School for our sanctified Grantees, and their Ladies of the Game. If the House of Commons had power to make Judges (which I have disproved) yet, *Ex quovis ligno non fit Mercurius*. They must name such Persons as may be competent Judges. And therefore must

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must not choose. 1. Ignorant men. 2. Nor such as the Law calls, *Viles Personas*, men base or contemptible for their Persons or Sordide callings; Mechanicks of the lowest rank. 3. Persons of Scandalous life and conversations. 4. Not Banquerouts and Indigent Persons. *Necessitas cogit ad turpia*. 5. Not partiall and preingaged Persons, chosen to suppress another party. As these Commissioners are engaged to the present power to suppress all others. 6. Nor such as *Schismatically or Heretically affected*, are seasoned with such *Doctrines and Principles*, as neither agree with the Duties of a good Christian, a good Common-wealths man, nor a good Judge. Which two last Objections not only these Commissioners, but the pretended Parliament that commissioned them are apparently guilty of, as being all of the Independent Faction conspiring to rob and rout out all other Parties: Royallists, Presbyterians and Levellers: For which purpose this New Tribunal or Inquisition is set up. *Independency being a meer complication and Syncretismus, or rather a Sink and Common Sewer of all Errours, Heresies, Blasphemies, and Schismes*, (though they peevishly differ in some inconsiderable Tenents) yet having one Generall End or scope at which they all chiefly aime (*viz.*) power, preferment, profit, and the suppression of the Truth and Magistracy, they have likewise some common principles to soader them together, which they use as a Meanes conducing to that Generall End. Some few whereof I will here set down for my Readers satisfaction. 1. To tolerate no King nor Magistrate Superior to themselves, as Being a Tyranny or Bondage over the Christian Liberty of the Saints and Kingdom of Christ. Because they know no Christian Magistrate can tolerate them, being (by the *Genius* of their Sect) enemies

enemies to all Civil Societies, whether Monarchicall, Aristocraticall, Democraticall or Mixed; as the Kingdom of England was before these men destroyed it. Besides their common Doctrine, *That they are appointed to break the powers of the Earth to pieces, To level the hills and fill up the vallies, That they are called, To bruise the Nations with a rod of Iron, and break them in pieces like a Potters vessell:* Which they have done in England, and threaten the like in France, Germany, &c. whereof, their Pulpits and discourses sound. Observe *their Practises in the Low Countries.* Where having by their spies and Emiffaries, found out some Burgers of the same humour with themselves; They propagated their Doctrine so far; as to endeavour to strike the Aristocraticall Members out of that Common-wealth by abetting some of the States Provinciall to lessen (and so to abolish by degrees) The Lords States Generall (the Optimates of that State) To ruine the Prince of Orange, to whose Family they owe their Liberty; *To dissolve the Generall Union of the said United Provinces, and so take in pieces the whole Frame of that Republick.* To say nothing of their Insolencies in fighting and killing their men, because the Belgike Lion will not strike saile to their Crosse and Harpe; and in blowing up the Antelope in Helversluce: Which shews what good Neighbours Holland, and other Parts, are like to have of the New State of England and Ireland (when they have made themselves intire by the purchase of Scotland) that is born (like our English Richard III.) with Teeth in its head; and snappeth at its Neighbours before it be out of its Swadling clouts. This is the cause that Cromwell, before he set saile for Ireland, caused his Journey-

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men, the pretended Parliament. To passe an Act for Tolleration of all Errors, Heresies and Schismes, under the Notion of Liberty of Conscience, and Ease for Tender Consciences. 2. Their second Principle is, *That the Good things of this World belong onely to the Saints (that is, Themselves) all others being usurpers thereof: and therefore they may rob, plunder, sequester, extort, cheat and confiscate (by illegal Laws of their own making, by extrajudicial Courts and partial Judges of their own constituting) other mens goods and estates, upon as good Title as the Jews spoiled the Egyptians, or expelled the Canaanites.* 3. Their third Principle. *That the Spirit (which sanctifies and illuminates these men) in every particular man blowes when and where it will, sometimes this way, sometimes that way, often contrary waies: And therefore they can make no profession of any certain Rule of Doctrine or Discipline, because they know not which way the Spirit will inspire.* For this reason they are still pulling down old and setting up New Doctrines, as the Nomades do cottages, onely constant in unconstancy. They professe their consciences are the Rule and Symbol both of their Faith and Doctrine, by this Leaden Lesbian Rule they interpret, and to this they conform the Scriptures; not their Consciences to the Scriptures; setting the Sun-Dyall by the clock; not the clock by the Sun-Dyall. That every man must pray according to the Dictates of his Private Spirit; They reject the Lords Prayer, for fear of quenching the Spirit. *When they break their Faith, Articles, Promises, Declarations and Covenants; they Allege, the Spirit is the Author thereof.* When Cromwell (contrary to his vows and Protestations made to the King) kept him close Prisoner in Carisbrook Castle; He affirmed *the Spirit would not let him keep his word.* When,
contrary

contrary to the Publick Faith, they Murdered Him: they pretended: *They could not resist the Motions of the Spirit. Sna cuique Deus fit dira libido.* This Hobgoblin serves all turnes. 4. Their fourth Principle is, *That they may commit any sin, and retain their Sanctity in the very Act of sinning: For what is sinfull in other men, is not so in the Saints; who may commit any crime against the Law of God, and yet it cannot be imputed to them for sin; Because they know in their Consciences what they do. So tender and delicate are their Consciences, That they are capable of any Offence against their Neighbour, without breach of Justice or Charity.* A righteous man is a Law to himself. 5. Their fifth Principle is, *That 7. make a Church: although men, women and children, and that this Church is Independent upon any other.* The Anabaptists (though they neither professe to follow Paul nor Cephas) yet declare themselves to be some of Cromwells Church, some of John Goodwins, some of Kiffins, some of Patiences, and some of Carters Church. 6. Their sixth Independent Principle is, *That if a man be questioned for any crime, though his Judges have neither competent witnesses, proofs nor Evidence of his guiltinesse, yet if they think in their Consciences he is guilty; they may condemn him out of the Testimony of their own Private Consciences.* Is it not fit men so Principled should be Judges and Jury too; and condemn men by inspiration? So Colonel Andrews and Sir John Gell were condemned; for Bernard and Pitts (witnesses against them) were apparently suborned by Bradshaw and Sir Henry Mildmay against them, and forsworn in the same cause; and good proof offered to the Court, that they were both Flagitious men, of scandalous life and conversation. The letter (supposed to be sent by Andrews to Gell) was delivered to
Bradshaw,

Bradshaw, whereof *Bradshaw* sent a Copy onely to *Gell* at 10. of the clock at night; and had a warrant then ready to arrest *Gell*, which was done earely next morning before he could conveniently discover it: Yet was *Gell* sentenced for Misprision of High Treason. See Sir *Fohn Gells* case stated August, 1650. with Colonel *Andrews* Attestation (in his behalf) under his hand a little before his death. And though Sir *Fohn* was Impeached and Mr. Attorney prosecuted him onely for Misprision; yet had he much ado to keep that bloud-thirsty, old cur *Keeble* from taking a leap at his throat, and giving Judgement against him for High Treason. So for want of Law Sir *Fohn* had like to be hanged by Inspiration and Instinct of the Spirit. He that will see more of the Independent Tenets, Let him read *Cl. Salmasius* chapter 10. *Defensionis Regia, Elenchus Motuum nuperorum in Anglia*. And the History of Independency first and second part. These 6. I have selected, that by comparing their Doctrine with their daily Practise, the Reader may perceive what pious Christians, good Patriots, and upright Judges, these engaged, Independent Commissioners of the High Court of Justice are like to prove. The builders of this New Common-wealth or Babel, hold forth to the People, Justice and Liberty, as their Motto: as if those excellent gifts had never received their birth, nor been so much as shewen to the People untill they murdered the King, and stepped into his Throne. But how righteous a *Free-State* or Common-wealth is this like to be? And how well are the People therein likely to be instructed in the waies of Righteousnesse, Justice and Charity, and improved in good life and conversation, by men so principled as aforesaid, Let the

the world judge. Especially when they observe, That our New Statists have enacted in the said pretended Act. 2. *January, 1649.* enjoyning the Engagement, That whosoever will promise Truth and fidelity to them by subscribing the Engagement may deal falsely and fraudulently with all the world besides. And break all Bonds, Assurances and Contracts made with Non-engagers, concerning their Estates; and pay their Debts by pleading in Bar of all Actions, That the complaint hath not taken the Engagement: This is to rob the Egyptians of the good things of this world, This is to break their Faith by the Motions of the Spirit, This is to cheat and rob their Neighbours without breach of Charity or Justice, and without imputation of Sin according to their aforesaid Tenets.

3. I am come now to consider in the third place, *The way and Manner of their proceedings*; How consonant they are to the usuall proceedings of our known Lawes, and Legall Courts of Judicature; (the best Inheritance of all Freemen) whereof see Colonel *Andrews* 3. Answers in his Defence given into the said High Court, herewith printed.

1. The first course they commonly take is; To break open mens Houses, Studies, Chests, &c. and seise their Papers; and thereby hunt for Matter of Charge against them: And then to examine them against themselves, upon the said Papers, contrary to *Magna Charta* which saith, *Nemo tenetur prodere se- ipsum.* And contrary to the Doctrine of Christianity, which forbids a man to destroy his own life, or be, *Felo de se*, as many men unwittingly do, who answer to capricious, ensnaring questions. When that tempting
question

question was put to Christ, *Art thou the King of the Jews?* He returned no other Answer then *Thou sayest it: Why askest thou me?* Ask them that heard me, That is, Ask witnesses. It was objected against the Oath *ex Officio*, That it was High Injustice to examine a man against himself: Because his Answers may only serve to condemn, but not to acquit him.

2. They usually break open houses with Souldiers, at all houres of the night, pulling men out of their beds with great violence and Terrour, and so carry them away, under pretence whereof Robberies and Murders have been committed, Whereas by the Stat. 1. Ed. VI. chap. 12. and 5. and 6. Ed. VI. chap. 11. A man ought not to be accused of High Treason but to one of the Kings Counsel; or to one of the Kings Justices of the Assize; or to one of the Kings Justices of the Peace being of the *Quorum*: or to 2. Justices of the Peace where the Offence is committed. *Cooks 3. Instit. chap. High Treason, pag. 26. 27, 28.*

3. They Commit men to Prison without any Accusation or Accusor made known, and during pleasure: and detain them in Prison many yeares together without any Legall proceedings or Charge against them; sharing their Estates, Offices and Revenues (by Sequestrations and Suspensions of the Profits) amongst themselves; without any Crime objected: And so leave them to starve, rot and dye in nasty Gaoles for want of Maintenance, under the cruelty of covetous and mercileffe Gaolers, whom they bear out (for mony) in all their Extortions. And being thus imprisoned and wounded with the displeasure of the State, no man dares adventure, upon any security, to lend him money for fear of incurring the disfavour
of

of the State, and a Note of Malignancy, whereby their Prisons are become private Slaughter-houses, as well as their Courts Publick shambles of Injustice. Prisoners in the Tower of London (To which prison no Goale-delivery belongs) were alwaies wont in the time of *(that supposed Tyrant)* King Charles I. and his Predecessors, to have allowance from the King, according to their severall degrees; As 5l. a weeke for an Esquire; &c. although the King deprived them of no part of their Estates untill conviction, and this Maintenance was provided for them by the Lieutenant of the Tower; and in respect of his care and paines in procuring it he had Fees, and not otherwise, though now they continue and encrease the said Fees; the cause being taken away the effect ceaseth not. But these men now in power, after they have Committed men and robbed them of their Estates, without cause shewen, are so far from giving them any allowance to feed them; that they shut them up close Prisoners in unwholsome Chambers, denying them the Liberty of the Tower, and the benefit of fresh Aire (the Cameleons Diet) for their health, and resort of friends, for their accommodation. And that they may be sure to deprive them of all legall meanes by habeas corpus to recover their liberties; They Commit men by illegall warrants not expressing any particular Offence or cause for their Commitment: so that it is impossible for the keeper of the prison to obey the *habeas corpus*, which is directed to him in these words: *Præcipimus tibi quod corpus A. B. unâ cum causa detentionis sue, habeas coram nobis, &c. ad recipiendum ea quæ curia nostra, &c.* Whereupon the Gaoler or Sheriff is to bring his Prisoner to the Bar, and tender his mittimus to the Court,

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Prisoners of
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ed in Gaoles,
with hunger,
cold, nastiness
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on, after they
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robbed of
their Estates
and no Crime
laid to their
Charge: this
is become
a daily
practice.

shewing the particular cause of his Imprisonment, that the Court may judge whether it be Legall, or no. *Dolus versatur in Generalibus*. In the Acts of the Apostles, chap. 25. vers. 26, 27. *Festus* thought it unreasonable to send *Paul* a prisoner to *Cesar* (to whom he had appealed) and not withall to signifie the Crimes laid to his Charge. See Cooks 2. Instit. fol. 591.

4. Their usuall Course of practising and suborning witnesses, tempting them with hopes and terrifying them with fears, is so notorious; That it is known the Counsell of State have hundreds of Spies and Intelligencers, Affidavit-men and Knights of the Post, swarming over all England as Lice and Frogs did in Egypt: and have both Pensions and set rates for every Pole brought in: So that now the whole Nation is proscribed, and every mans head set to sale, and made a staple commodity, (far beyond the definite Proscriptions of *Silla* and the *Triumvirate* aforesaid) These Sons of *Belial* are sent forth to compass the earth seeking whom they may devour. These, (with the Liberty of Priviledged Spies) speak bold language to draw other men into danger: and plot conspiracies, which themselves detect, and are rewarded like Decoy Duckes for their paines. Of this sort are *Bernard* and *Pits* set no work to betray *Gell* and *Andrewes*, as aforesaid. For which *Bernard* had 300l. and a Troop of horse conferred upon him. *Johnson* that falsely accused Sir *Robert Sherly*, and *Colonel Egerton* for their charity in relieving his wants, is another; *Varney* is a Fourth. So well are they fitted with these Sonnes of *Belial*, that no *Naboth* can keep his Vineyard, if a Grandee cast a covetous eye upon it; they can prove what they list. Nay it is usuall for our Grandees to molest one man with examining

examining him 20. or 30. severall times, against one Prisoner, and upon one point, to distract his memory, and not to let him be quiet untill he perceive he must speak what their questions and discourses lead him to, to redeem himself from vexation. To say nothing of their Menaces, To torture men if they will not confess, what they impudently pretend is already discovered by other meanes: And their insinuating into the Affections of witnesses, by asking them, Whether the State doth not owe them money? And why they do not use fitting meanes and opportunities to recover it? And why they do not make meanes for some beneficiall employment?

5. In *Magna Charta*, chap. 29. it is enacted, *That no Freeman shall be taken or imprisoned; or be disseised of his Free-hold or Liberties or Free-Customes, or be outlawed or exiled, or any otherwise destroyed; nor we will not passe upon him or condemn him, but by lawfull Judgement of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man, Justice or Right.* See Statute 2. Edward III. chap. 8. 5. Ed. III. chap. 9. 14. Ed. III. chap. 14. 25. Ed. III. chap. 4. 11. R. II. chap. 10. Pet. of Right. 3. Car. 1. 10. Edward IV. fol. 6. Dier folio 104. Cook lib. 5. folio 6. lib. 10. folio 74. lib. 11. folio 99. Regist. folio 86. Where note the word (*Peers*) signifies, that no man is to be condemned or destroyed, but by the lawfull verdict of a *Fury of 12. sworn men of the Neighbourhood* where the Fact was committed; because (in probability) Neighbours may have best cognisance of the Fact, and of the life and conversation of the Party Accused. And these only are *Competent Judges of Matter of Fact*; and in many cases of Matter of Law too, if they will take the

knowledge of the Law upon them. Neither can this Petty Jury of 12. men go upon the Prisoner unlesse a *Bill of Enditement* containing the whole Matter of charge be first found in open Court by a Grande Jury or Enquest of sworn men; who are to enquire of the Fact upon the Oathes of two lawfull witnesses (at least) to every materiall Point of the Enditement: and then, when the Grande Enquest are all agreed, the Foreman endorseth upon the back of the Bill (*Billa vera*) and then presents it in open Court, as the Information for the King of the whole Enqueste: otherwise the Enditement is quasht, and null. Cookes 3. Instit. chapter High Treason and Petty Treason. And whereas the Statute saith, (but by his Peeres, or by the Law of the Land) *Lex Terra*, signifies, The Antient Customes of the Land; Amongst which Fundamentall Customes; Trialls by Juries hold a principall place. And when the King Charles I. accused this Parliament, That they disposed of the Subjects Lives and Fortunes by their votes, contrary to the known Laws of the Land, This Parliament in their Remonstrance, Sept. 1642. (1. Part of the Book of Declarations fol. 693. highly resented it. And *Magna Charta* being nothing else but an Affirmation of the Common Law, inserted this Clause (or by the Law of the Land) as a speciall caution, not to annihilate or frustrate (no; not so much as tacitely, or by preterition) any of the said Fundamentall Lawes or Customes; nor any other particular lawfull Customes, which are not one and the same in all parts of England: Witnesse the Custom of *Gavelkind* in Kent. I have told you what our known antient Legal Courts of Justice do. And I must tell you that *Legal formes and set Modes of proceedings are*
so

so essentiall unto Justice, that without them we can not measure the Rectitude of Obliquity of Justice or Injustice: where they do not chalk forth the way, both Judges, Lawyers, Officers and Attorneys will tread what subtle, obscure pathes they please, usurp an Arbitrary power and latitude to prevaricate; and so far corrupt and work the Law of their sense, that they will rather *Leges dare*, then *Leges dicere*, so that what is Law in one mans case, shall not be so in another mans, They will so intricate and intangle causes; that every case shall be *Casus pro amico*; as Civilians call it; when upon full hearing, The Merits of the cause appear so equall, and undistinguishable on both parties; that the Judge may (according to his discretion) look upon the Merits of the Persons onely: and give the cause; *Pauperiori, viâ Charitatis*, or *digniori, ratione virtutis*. Justice not fixed by Formalities, will become such a vagrant, that no man shall know where to find her. Let us now see what our new shambles, our upstart High Court doth. Which in this work of Reformation and Destruction, so much abhorres Superstition and Ceremonies, and sticks so close to a Summary way of proceeding, that they have not onely stripped, but flead her: as their Masters the Parliament not onely fleece but flea the People. In lieu of a Bill of presentment, by a Grande Enquest, the pretended Parliament or Counsell of State, send a List of such Persons names, as they have proscribed, And set a *Nigrum Theta* upon, (as men dangerous to their designed interest) to the Masters of their Slaughterhouse, The said High Court, together with such Depositions as they have taken in corners, against the Prisoners: and this is such a forejudging of them that the said Court neither will nor dare acquite, whom
their

their Masters and Pay-Masters have precondemned. Next *Articles of Impeachment in nature of a charge* are drawn up against the Prisoner (although such Articles are nothing in Law, which regards onely a Bill of Inditement) Then the Prisoner (after a close Imprisonment for he knows not what) upon two daies warning is led to the Bar; where the first work is to dazle his eyes, amaze and distract his Judgement and Memory with the terror of their Souldiers, the Numerousnesse, high affronting words and looks of his Judges; having thus mortified the Prisoner, he is commanded to hear his charge read: and bid *plead to it, Guilty, or not Guilty*. If he own their Jurisdiction and plead the said Generall Plea, they have him where they would have him: they never ask him; how he will be tried, Whether by God and his Country? For God hath no hand in these proceedings, nor amongst such Judges: and this rod of Iron is provided to bruise his Country, as well as himself. Lieutenant *Colonel Lilbornes* Trial hath taught them That it is an easier Matter for them to pack a Butcher-Rowe of confiding, partiall Judges, then a Jury; who are liable to be challenged, if suspected of partiality. When *Colonel Andrewes* claimed to be tried legally as a Freeman by a Jury, and vouched Great Charter, and many other Statutes, (whereof see his aforesaid 3. Answers) that sneaking Bloud-sucker, illiterate *Keeble* answered, Those Statutes were out of date now, (meaning, They were taken away by conquest.) So that this Shamle Rowe of Judges, take upon them to be, both Judges of the Law, (without acknowledging the Fundamentall Lawes of the Land, or taking any Oath of Indifferency to the People) *Triors of the Fact, or Furates*

Furates of life and death (without being sworn to find according to Evidence) as well as Parties and Prosecutors. Thieves upon the high way may as justly arraign a True man before them, because he brought no more Money in his purse, offered to draw his sword and hid his money about him in contempt of their Jurisdiction and Authority; and condemn him upon such a Mock Triall and Mummery or Enterlude of Justice, as these Fellows. If they allow him Counsel, his Counsel must apprehend the mindes of his Judges, at his perill; and not be so faithfull and diligent as to help his client in earnest; Lest the Counsel of State, or some other power (whose will is a Law) interpose, and banish him 20. miles from London; as they did Master Sprat, Sir John Gells Solicitor, before Sir Johns businesse was ended; whereby Sir John was left destitute of meanes to follow his businesse, himself being Close Prisoner. If they permit any witnesse to speak on the prisoners part, He comes at his perill: Sir John Gells first witnesse was so baffled in Court, that the rest stole away and durst not appear. I have not heard whether they give any Copy of their Aricles of Impeachment to the Prisoner, (for they cover all their doings with such a Plaguy Egyptian Darknesse, that we cannot see a glimpse of light) or whether they go a Starre Chamber way, and make him Answer Ore tenus, and ex tempore for his life and Estate. But if they give him any Copy, or any time to answer, it is not above four or five daies or a week, nor do they allow him Counsell or any other Clearing of the way to his defence, untill he have ensnared himself by owning their Jurisdiction, and pleaded the Generall Plea, Not Guilty. If he pleade not an Issuable Plea, and yield to their Jurisdiction, quitting all benefit of the Law and Legall proceedings; the Razor is at his throat, they

they thirst after his Bloud; and they presently sentence him guilty of contumacy and take it pro confesso. And if he do submit and plead: His plea will have the operation but of a Psalm of Mercy, prolonging his life but for a short time, in the interim Keeble and his Court plays with him as a Cat with a Mouse, and then devours him. For no man is sent to this Court to be Tried, but to be condemned. In hac arena dimicatur sine missione. Herein they shew themselves much more Tyrannous and bloody then the Duke D'Alva when he erected his said Counsel of Troubles, called *Concilium Sanguinis*, or the Bloody conventicle; as this will shortly be. For saith Strada Declar. 1. lib. 7. *Procurator reginus menses 4. Conscienda Accusationi accipiens sibi; 5. Concedebat ad Defensionem regis* (Egmontio, Hornano, &c.) The Kings Atturney took 4. Moneths time to draw up the charge or accusation, and gave 5. Month's time to the Respondents to make their defence. And had he given less then 5. Moneths time, To Instruct Counsel, Pen their Answers, produce and summon witesses, inquire into the lives and conversation of their Accusors, his feet had been swift to shed bloud. *Nulla unquam de morte hominis cunctatio longa est*, But our Inquisitors take whole yeares to themselves to hunt for Matter of Accusation, and hire and engage witesses against men kept in ignorance and want with close Imprisonment: and allow not them so many daies to make their Defence. All manner of Accusors and witesses, though apparently suborned and forsworn in the same cause, and proofes without exceptions offered to the Court that they are of infamous life and conversation, are in this Court (the Object of whose desires are Bloud and Confiscations, not Justice) lawfull witesses, such witesses were the said Bernard and Pits; Monsters of men. See Sir John Gells case

case stated: Printed about August, 1650. To cite any anti-ent known Laws or Statutes, or any other then their own new coined Acts, passed by this 8th. Parts of a House of Commons, (since they became elect Members chosen by Thomas Pride) is to incur the High Indignation of the Court, expressed abundantly in their words and looks. But to put them in mind of the Parliaments many Declarations, To maintain the anti-ent known Laws, Liberties and Properties of the People, is to scandall the present Government and incur the Censure of that unknown Mysterious Crime which knaves call Malignancy. The witnesses and Judges being thus irretragable; the first may swear what they will, the second may judge what they will, since they are left at large and have all things in *scrinio pectoris*: and Book Law must give place to Bench Law, The Jurisdiction and Authority of this New unparalled Court is such a Mystery of iniquity, so unscrutable and unquestionable, that if a Prisoner scruple (in the least) either it, or any of the uncouth proceedings of it, it is a Mortall Sinne to him; and he is presently interrupted, and affronted both with disdainfull words and looks, And told, *We are satisfied with our Authority that are your Judges*, (So are Theeves upon the high way satisfied with their Authority that rob and murder us by Gods Providence and permission.) *It is upon Gods Authority and the Kingdoms* (yet what they do is against the will of God revealed in his Scriptures: and against the known established Lawes, Statutes and continuall Practise of the Kingdom:) *Which Authority commands you in the name of the People of England to answer them.* (Yet at least) 9. Parts of 10. of the People so much abhor these and other their Practises, that every mans mouth speakes against them with bitter curses and reproaches,

See the Trial
of King Char.
1. in the Hi-
story of Inde-
pendency 2.
Part. pag. 91.
&c.

to restrain which they have minted Acts of New Treasons, to make men Offenders, nay Traitors, even for bare words; and erected this bloody, illegall Theater, The High Court (so called, for its High Injustice) as a Spanish Inquisition over them, and every mans hand would be about their eares, did they not keep an Army of Janisaries to suppress them.) *Their Authority they do avow to the whole World, that the whole Kingdom are to rest satisfied therewith.* (You see here a Whip and a Bell provided to keep the whole Kingdom in awe: the declared Supreme power of their Sovereign Lord the People, must resign their known Lawes to their Trustees, their Representatives in Parliament, and take New Lawes from their Arbitrary votes, or woe to be to their Necks and Shoulders.) *I must interrupt you, what you do is not agreeable to the Proceedings of any Court of Justice. You are about to enter into Argument and dispute concerning the Authority of this Court: before whom you appear as a Prisoner; you may not dispute the Authority of this Court: nor will any Court give way to it, you are to submit to it.* (It is not safe to confute a lie told with Authority. Yet if a man be Endited of Treason or Felony in the Court of Common Pleas, a man may Demur to and dispute the Jurisdiction of that Court; because it is not in Criminall Causes, *Competens Forum*; nor the Judges Competent Judges: every man, and every cause must be tried *Suo Foro, non Alieno*. So if a Peer be arraigned in the Kings Bench. And for this upstart, unpresidented High Court; it is no Court of Judicature at all; as being erected without lawfull Authority; Consisting of Incompetent Judges: no Records belonging to it: and tending to disinherit, and disfranchise all the People of England:

land, and to murder them.) *You may not dispute the Jurisdiction of the Supreme and Highest Authority of England, from which there is no Appeal, The votes of the Commons of England assembled in Parliament is the Reason of the Kingdom.* (Oh Brutish, irrationall Kigdom ! Where 40. or 50. Anabaptistickall Members, the Dregs and lees of the House of Commons, after all the best and sincerest (7. Parts of 8.) had been racked and purged out at the Bunghole by *Cromwell the Bruer* and *Pride his Drayman* shall be called the Reason and Law of the Land. This confirms the truth of what King Charles I. Objected to the Parliament (whereof I have formerly spoken) *That they disposed of the Subjects Lives and Fortunes, by their own Votes, against the known Lawes of the Land.* But that there should be no Appeal to their declared Sovereign Lord the People, from their subordinate Trustees in Parliament is wonderfull ; Considering that in all Governments the last Appeal is ever the Highest and most Absolute power. But it may be they will be the Peoples Trustees in spight of their Teeth, and by the power of the Sword ; and so free themselves from rendring any account of their Stewardship. *You may not demure to the Jurisdiction of the Court. If you do, they let you know, that they overrule your Demurrer, and affirm their own Jurisdiction. Reason is not to be heard against the Highest Jurisdiction, the Commons of Engl. make a direct and positive Answer, either by denying or confessing, and put in immediately an issuable Plea, Guilty, or Not Guilty of the Charge, or we will record your Default and Contumacy, and by an implicite confession take you Guilty pro confesso, and immediately give Judgement against you.* This (as I told you before) is it that blanches the Deer into the Toile, But God deliver us from that

Jurisdiction that is too high to hear Reason : and that overrules Demurrers before they be heard.) I have told you as much of the proceedings of this Court as the Novelty, Obscurity, Uncertainty and confusion thereof will give me leave. Let me now (by way of overplus) give you the great dangers and Slavery that will befall all sorts of People if they tamely and cowardly suffer themselves to be deprived of their antient, Legall Trialls by Enditement and Juries of the Neighbourhood : (then which the whole world cannot boast of a more equal way) and suffer their Lives, Liberties, Estates and Honours to be subject to an Arbitrary, Extrajudicial conventionicle of Blood, (*Cromwells New Slaughterhouse*) which hath neither Law, Justice, Conscience, Reason, Presfident or Authority Divine or Humane, but onely the pretended Parliaments irrationall Votes and the Power of the Sword to maintain it, which will prove a Cittadell over their Liberties, a Snare to their Estates, a Deadfall to their Lives, and Scandall to their honors and Families, if not timely opposed.

1. *By the Law The Enditement must specify what the Treason is, and against what Person committed; As, against our Sovereign Lord the King, his Crown and Dignity.* But in the said Articles of Impeachment, it is alleaged that the Treason is committed against the present Government; or, against the Keepers of the Liberties of England; but in this dead-water our turning Tide between the old Regall, and this New, unknown Government; no man knows how to do, look or speak for fear of contradicting the guilt of an Interpretative Treason, upon the said two Statutes for New Treasons, and before this boundless, lawless New Court

Court, And to say that Treason is committed against a Government in abstracto is Non-sence: it must be said that Treason is committed against the Governors in Concreto, naming them. For there being, no Treason without Allegiance; And Allegiance being a personall Obligation, must be due from a certain known Person, to a certain known Person or Persons. And therefore the Keepers of the Liberties of England, not being yet made particularly known to us, who they are, or where to be found, or what their power, Duty or Office is; and being not tied by any set Oath, to deal well and truly with the People, (as Kings are by their Coronation Oath; for if the stipulation be not mutuall, the People are Slaves, not Subjects.) Since the Duties of Allegiance and Protection; Obedience and Command being reciprocally (as they must needs be, the Parliament having declared the Supreme power to be in the People; they must not govern them *Mero Imperio* (by Lawless votes) like Turkish Tartarian and Russian Slaves.) I cannot owe nor perform Allegiance to those *Individua vaga* (the Keepers or Gaoles of our Liberties) nor to an Utopian Commonwealth. And without Allegiance no Treason: for in all Enditements of High Treason it must be alleaged, *That the Accused did (Proditoriè) perpetrate such and such Crimes, Contra debitam Allegantiam suam.* And the word (*Proditoriè*) signifies the betraying of a Trust: According to the Proverb; In Trust, is Treason. Now where there is no profession of Allegiance, there is no Acceptance of a Trust, no man can trust me against my will. I was born under a Regall Government, have read the Stat. Recognition, i. Jac. Have taken (as well as others) the Legall Oathes of Allegiance, Obedience and Supremacy to the King his Heires and Lawfull Successors, imposed upon me by lawfull Authority, and from which no
power

power on Earth can absolve me : and so much I attest in the Oath of Supremacy. And how I should now come (after the New Moduling of the Parliament and Kingdom by Souldiers) to owe Allegiance to *Cromwell the Bruer, Scot the Bruers Clerk, Bradshaw the Murderous Petty fogger, Sir Henry Mildmay the Court Pander and Projector, Holland the Linkeboy, John Trencharde* that packed a Committee (in which he was a Member) and voted to himself 2000*l.* *Love* the super-inducted Six Clerk, or any other of that Self-created Authority, let them sheath their swords and tell me.

See the Additional Postscript at the latter end of this Book.

2. *An Enditement must certainly allege the Offence committed, in respect of the Matter, Time, Place, Persons and other Circumstances ;* But in these Articles of Impeachment they tie themselves to no such certainties; Whereby the Accused knows not at what ward to lie, nor how to make his Defence. The Circumstances of Time, Place and Persons, being the assured Testimony of all Humane Actions. This Lawless Court leaves him in a vast Sea of Troubles, without Pole-star, card or compass to steer by : The Arbitrary Opinions of this Court, declared upon emergent Occasions, being a false-hearted Pilot to him. *These Judges not being of Counsel with the Prisoner, as our Legall Judges are, who swear to do Justice according to the Law.*

3. *By the Law, any learned man that is present, may inform the Court, for the benefit of the Prisoner, of any thing that may make the proceedings erroneous.* Cooks 3. Instit. p. 29. But the whole Proceedings of this Court, their Meeting and sitting being erroneous, here is no room left for Admonition, To take away their errors, is to take away Court.

4. Cooks

4. Cooks 2. Instit. pag. 51. expounding the 29. chapter of *Magna Charta* hath these words. *All Commissions ought to be grounded upon the Laws of England* (not upon the votes of the House of Commons) *and to contain this Clause in them. To do what is just according to the Laws and Customs of England,* (not to execute the severall powers given them by the Act. 26. March 1650) and a little further he saith, Against this Antient and Fundamentall Law I find an Act of Parliament made 11. Hen. VII. c. 3. That as well Justices of Assize as Justices of the Peace, without any finding or presentment by the verdict of 12 men, upon a bare Information for the King before them made, should have full power and Authority by their Discretions, to hear and determine all Offences and Contempts committed, or done by any Person or Persons, against the Form, Ordinance or effect of any Statute made and not repealed; saving Treason, Murder or Felony. By colour of which Act shaking this Fundamentall Law, it is not credible what horrible Oppressions and Exactions, to the undoing of infinite number of People, were Committed by *Empson* and *Dudley* Justices of the Peace throughout England. And upon this unjust and injurious Act, a New Office was erected (as commonly in like cases it falleth out) and they made Masters of the Kings Forfeitures. (I hear such an other Office will be erected, when the Novelty of this wonderfull High Court is lessened, and the yoke thereof throuzly settled upon the Peoples Necks) Yet observe the said Act. 11. Hen. VII. c. 3. went not so high as to Treason, Murder and Felony: But by the Stat. 1. Hen. VIII. chap. 6. the said Act 11. Hen. VII. was repealed, and the reason given, For that by force of the said Act it was manifestly known; That many sinister and crafty, forged and feigned Informations

formations had been pursued against many of the Kings subjects, to their great damage and wrongfull vexation. The ill successe hereof (saith Cook) and the fearfull end of these two Oppressors, (who were Endited and suffered for High Treason for all the said Act 11. Hen. VII. passed in a full and Free Parliament. Cooks 3. Instit p. 208.) Should admonish Parliaments, That instead of this Ordinary and precious Triall by the Law of the Land, they bring not in Absolute and Partiall Trialls by Discretion. And in his 4. Instit. page 41. Cook saith, Let Parliaments leave all Causes to be measured by the golden and streightned wand of the Law, and not the uncertain and crooked cord of Discretion: for it is not almost Credible to foresee, when any Maxime or Fundamentall Law of the Land is altered, what dangerous inconveniences will follow; as appears by this unjust and strange Act 11. Henry VII. chap. 3.

5. This Parliament alwaies declared they bore Arms against the King, in Defence of the Laws, Liberties and Properties of the People. This way ran the whole current of their Declarations. And they alwaies reckoned Magna Charta, the Petition of Right and Trialls by Juries, the Chief and most Fundamentall of all our Laws. See their 1. Remonstrance: Therefore in their 7. Article against Strafford. They charged him with High Treason, for giving Judgements against mens Estates, without Trials by Juries. Much aggravated by Master St. Johns in his aforesaid Argument against Strafford. And for the better preservation of Legall Trialls by Juries, it is provided in the Bill of Attainder of Strafford, that the case of the same Earl should not be used as a President in succeeding times. And in two of this Parliaments late Declarations 9. Febr. and 17. March 1648. The Parliament promiseth,

To

To preserve and keep the fundamental Laws of the land, for preservation of the lives, liberties and properties of the people, with all things incident thereto. Now to erect an arbitrary lawless high Court, to give judgment against mens lives and estates, and attain their bloods, without Enditement found by a grand Jury, and a trial by a Jury of twelve sworn men vicineto, is a far fouler breach of trust in them against their Sovereign Lords the People, than all they charged the King withall, and a far higher act of tyranny and injustice than either the late King, or Empson and Dudley, or Strafford were accused of. But if they alledg, They do not put down Juries in general, but only in some particular mens cases and upon necessity. I answer, That we are all born Freemen of England alike, That our ancient known Laws, Laws Courts and trials by Juries are our inheritance equal alike to all. And one party or part of the people ought not to be disherited, disfranchised or forejudged no more than another. No man can be said guilty of any crime until he be legally convicted and sentenced, the Law must first go upon him and condemn him, *Ubilex non distinguit, non est distinguendum*. If we do not live all under one Law and form of Justice, we are not all of one Commonwealth. See the aforementioned Gentlemans Argument, against the special Commission of the Court of York. For Necessity; our present power is under none, but the fears and terrors of their own guilty consciences. No appearance nor probability of any enemy by their own confession; nor can they plead in their excuse, a necessity which they have brought upon themselves. I know some Kings have, *de facto*, used the *Animadversion* of the Sword to cut off such powerful and dangerous persons as could not safely be called to account by the Law; so dyed Joab, Adonijah, &c. for which

the rule is, Neminem adeo eminere debere, legibus interrogari nequeat; qui jus æquum ferre non potest, in eum vim haud injustam fore. No man ought to advance himself above the powers of the Law; he that will not submit to equal right, if he be cut off by violence, suffers no wrong; but this is to be understood of the eminency and greatness of the person, not of the greatness of the crime, whereof no man is to be forejudged, because a great crime may prove a great calumny, until a legal trial have adjudged it. But there is no person in England so eminent for power or Authority, but that the least of Bradshaws Ban-dogs can drive him to the Slaughter-house, & make him offer his throat to Keeble. Therefore Animadversio Gladii, if at any time lawful, is now unlawful. To make great examples upon men of little power, is great injustice. But the way of this Court is not Animadversio per Gladium. It is a Mocking, a Counterfeiting, an Adulterating and Alchimisting of Justice; it is to falsifie her weights and ballance, and steal her sword to commit Murder withall.

See Col.
Andrews
three Answers.

6. *By the known Laws Matter of fact is intrusted to the Jury, matter of Law to the Judges, to prevent all errors, combinations and partialities. The Judges are sworn to do justice according to the Law; the Jury are sworn to finde according to their evidence. But in this high Court the Commissioners or Judges are all packed, confiding men, chosen by and out of one party, to destroy all of a different party. They usurp the office of Judges, not being sworn to deal well and lawfully with the people (as by the said Stat. 18 Ed. 3.) nor to do justice according to the Law. But only to execute powers given by the said Act, 26. Mar. 1650. And they arrogate (as Jury-men) to be Triers of the Fact, without being sworn, to find according*

to evidence. So that they are Judges, Juries, and parties, (& for ease of their tender consciences (without any Oath of Indifferency. A most excellent Compendium of Oppression. They may go to the Devil for injustice, and not be forsworn. Great is the privilege of the godly.

7. The prisoner may except against his Jurors, either against the Array, if the Sheriff or Bayly impannelling the Jury, be not wholly disingaged and indifferent, both to the cause, and to the parties, prosecuting, and prosecuted; or against the Poll, he may challenge 35 peremptorily, & at many more as he can render legal cause of challenge for. As for defect of estate, or other abilities, or for partiality, Disaffection, Engagement, Infamy. But this Array of Jury-men Judges (a Medley so new we know not how to express it) though picked and empannelled by an engaged remainder of the Commons, and abnoxious to all exceptions, must not be challenged, their backs are too much galled to indure the least touch. Take heed you scandal not the Court (cries Mr. Attorney) See Col. Andrews three Answers.

8. Many exceptions in a legal Trial, are allowed against Imperfections, Uncertainties and Illegallities in the Bill of Endictment, for the advantage of the Prisoner. But no Exceptions are allowed against these illegal Articles of Impeachment, which are made uncertain, intricate and obscure and ambiguous purposely to puzzle, confound and entangle the Respondent.

9. By the Law a bill of Endictment must have two full and clear lawful witnesses to every considerable Matter of Fact, both at finding the Bill and at the Trial. Cooks
3. Instit. pag. 25, 26. And Probationes debent esse lince-
clariores. Proofs must be as clear as the Sun, not ground-
ed upon Inferences, Presumptions, Probabilities. And
the Prisoner must be Provably Attainted, saith the

Where there
is but one
witness, it
shall be tried
by combat
before the
Earl Marshal
Cooke, ibidem

Stat. 25. Ed. 3. chap. 2. Cooks 3. Instit. pag. 12. *The word (attainted) shews he must be legally proceeded with; not by absolute power as formerly had been used (and as is now used by this bloody High Court)* But before these Slaughtermen of the High Court, all manner of witnesses, Legal or Illegal, one or two, sworn or not sworn, or apparently forsworn and suborned, and all proofs clear or not clear are sufficient. The Prisoner is sent thither foredoomed, and hath its deaths Mark, his fate in his forehead.

10. The said Act 26. March 1650. carries two faces under one hood, and looks backwards as well as forwards. To facts precedent as well as subsequent the said Act, contrary to the nature of all Laws, whose office is to prohibit it before it punish, to warn before it strike. Where St. Paul defineth Sin to be the breach of Commandement, or Law. *I had not known Sin but by the Law.* The Law must therefore be precedent to the Offence. But these Acts are not Laws to admonish, but Lime-twigs and Traps to ensnare and catch men. See Col. Andrews 3. Answers at the latter end of this book.

Fourthly and lastly, I am to consider, *To what end and purpose this new invented High Court is constituted and appointed?* Concerning which see a Letter dated 6. June 1650. *Stilo veteri*, from the Hague, (supposed to be *Walter Stricklands*, the Parliaments Agent there) as I finde it in *Walter Frosts* brief Relations of some affairs and transactions, &c. from Tuesday June 11. to June 18. 1650. wherein the Epistoler hath these words, “*One piece of the cure (viz. of the dangers that threaten your new State) must be Phlebotomy,* but “then you must begin before Decumbency, and then it “will be facile to prevent danger, &c. they are here most “of all afraid of your high Court of Justice, which they “doubt

doubt may much discourage their party, they wish,, you would not renew the power thereof, but let it,, expire : then they think that after *Michaelmas* they,, may expect Assistance with you. And indeed that,, Court is of almost as much use to you as an Army :,, and will prevent the rising of as many Enemies, as the,, other will destroy, only you must be sure to execute,, Justice there with all severity. A few of the first stir-,, rers taken away, by the power thereof, without re-,, spect to cousin or Countrey, will keep all the rest,, quiet. But *whosoever that Court condemns, let them,, be as already dead, &c.* But *let them be most free in,, cutting the vena Cœphalica (that is the Presbyterian,, Party) for the Basilica (or Royal Party)* will be la-,, tent. *The Median (or Levellers)* would be spared as,, much as may be, that the body be not too much ema-,, ciated. Besides, the blood is most corrupt in the Cœ-,, phalicks *(or Presbyterians)* and is the very *causa,, continens* of your disease. You need not fear to take,, freely of this vein, &c. Here you see this State Moun-,, tebank gives you the use and application of this cor-,, rative. (The High Shambles of Justice) so fully that I,, shall not need to comment upon it. And in the latter,, end of a Letter from *Cromwel*, dated from *Dunbar*,,, 4. Sept. 1650. (as I find it in *Politics*) speaking of his,, new purchased victory over the *Scots*, *Cromwel* saith;,, *God puts it more and more into your hands to improve,, your power, (viz. your absolute Authority) we pray,, own his People more and more, (that is, the Army) they,, are the Chariots and Horsemen of Israel (of the King-,, dom of the Saints) disown your selves but own your Au-,, thority (which you enjoy under the Protection of the,, Army, your Lords Paramount) and improve it; to Curb,, the Proud and Insolent, &c.* (That is, all men of dif-

ferent opinions and parties from them, that will not engage to be true and owe Allegiance to the Kingdom of the Saints, and resign their Laws, Liberties and properties to their lusts and wills.) That I have not misconstrued the contents of *Cromwells* mystical letter, will appear by a *Discourse in the same Politicus*, Numb. 17. from Thursday Sept. 26. to Octob. 3. 1650. Where (according to his custom) delivering forth State-Oracles to the people, He tels them in plain English, *That after the Confusions of a Civil War, there is a necessity of some settlement, and it cannot be imagined (the Controversie being determined by the Sword) that the Conquerours should submit to the conquered, though more in number than themselves. Nor are they obliged to settle the Government again according to the former Laws and Constitutions, but may erect such a form as they themselves conceive most convenient for their own preservation. For after a Civil War the written Laws (viz. established Laws of the Nation) are of no force, but onely those which are not written. (And a little after) the King having by Right of war lost his share and interest in Authority and power, being conquered, by Right of war the whole must needs reside in that part of the People which prevailed over him: There being no middle power to make any claim, and so the whole Right of Kingly Authority in England being by Military Decision resolved into the prevailing Party, what Government soever it pleaseth them to erect, is as valid de Jure, as if it had the consent of the whole Body of the People. That he should affirm, That after a Civil War the Established Laws cease, is so gross a piece of ignorance, that there is hardly any History extant but confutes it: After our Barons war, and the Civil War between York and Lancaster,*

caster, Our Established Laws flourished ; so did they after the *Norman* Conquest. How many Civil Wars in *France* have left their Laws untouched ? That of the Holy Leage lasted 40 years ; *Belgia* keeps her Laws maugre her intestine Wars : What is now become of the Parliaments declared Supreme Power and Sovereign Lord the People, the Original and Fountain of all just power ? are they not all here proclaimed Ear-bored slaves for ever ? But I had thought that an Army of Mercenary Saints raised, payed and commissioned by the Parliament to defend the Religion, Laws, Liberties and Properties of the people, and the Kings Crown and Dignity, according to the Protestation and Covenant, and the Parliaments Declarations, would not have made such carnal and hypocritical use of their Victories gotten by Gods providence and the peoples money, as to destroy our known Laws, Liberties and Properties, and claim by Conquest, and impose their own lusts for Laws vpon us, thereby rendring themselves Rebels against their God, their King and Countrey. Nor was it ever the State of the Quarrel between the King and Parliament whose slaves the people should be ? Or whether we should have one King, Governing by the known established Laws ? or 40 Tyrants Governing by their own lusts and arbitrary votes, against our written Laws ? Nor can the success make n Conquest just, unless the cause of the war were originally just, and the prosecution thereof justly managed. As
1. To vindicate a Just Claim and Title. 2. *Ad res repetendas*. To recover Damages wrongfully sustained.
3. To repel an injury done to your self, or to your Ally in league with you.

The ultimate end of these wicked endeavors is, To establish

establiſh and cement with the blood of their adverſaries, the Kingdom of the Brambles or Saints, already founded in blood, by cutting of all ſuch by their ſaid New Acts of Treason and High Court of Juſtice, as will not bow their Necks to their Iron yoke. Which appears more clearly in an *Additionall Act* giving farther power to the ſaid High Court, (dated 27. Aug. 1650.) *To hear and deiermine all Miſpriſions or Concealments of Treasons* mentioned or contained in any of the ſaid Articles or Acts of Parliaments : And to inflict ſuch puniſhments, and award ſuch execution, as by the Laws and Statutes have been, or may be inflicted. *This Law (if I miſcal it not) conſidering how they have multiplied Treasons by their ſaid 3 New Statutes, 14. May, 17 July 1649. and 26. March 1650. Whereby bare words without Act are made High Treason, contrary to thoſe well approved Statutes, 25 Edw. 3. chap. 2. 1 Hen. 4. chap. 10. 1 Edw. 6. chap. 12. 1 Mariæ, chap. 1. Cook 3 Inſtit. ſaith, That words may make an Heretick not a Traitor, Chap. High Treason. And the Scripture denounceth a woe to him ; That maketh a man an Offender for a word, is one of the cruellſt, and moſt generally dangerous and entrapping that ever was made. For hereby all relations, Husband and Wife, Parents and Children, Brothers and Sisters, Maſters and Servants, are all injoynd to be informers againſt, and accuſers of one another (which is to take upon them the Devils office (and be Accuſatores Fratrum) for light and vain words ſpoken only in paſſion or ignorantly : or elſe they fall into the jaws of this all-devouring Court, from whence, no more then from hell, there is no redemption) for Miſpriſion of Treason : the Penalty whereof is loſs of liberty and lands for life, and of goods for ever,*
Who

Who can imagine lesse hereby, but that our Statists intend to raise a yearly revenue by this Court, by Forfeitures and Confiscations: and to erect an Office of Master of the States Forfeitures: like Empsons and Dudleys in Hen. VII. time aforesaid. And to continue this Court, to weede out the Ancient Inhabitants *Cananites* and *Amalekites*. The said Additional Act, 27. Aug. 1650. concludes, That the said High Court shall not Examine, Try or proceed against any person other then such as shall be first by name appoin ed by the Parliament or Council of State. It should seem the Parliament and Council of State supply the want of a Grand Inquest; and their Appointment is in stead of a Bill of Enditement found and presented. As Assuredly as the High Inquisition was erected in Spain by Ferdinand and Isabella to extirpate the Mahometan Moors: And the said Council of Blood in the Lowe Countreys, by the Duke D' Alva to weed out the Lutherans, Calvinists and Anabaptists. So is this High Court set up in England, to root out the Royallists, Presbyterians and Levellers; and generally all that will not wholly concur with our Independents in Practice and Opinions. As will manifestly appear when their work is done in Scotland, which will soon be effected: the more zealous Scots being now as ready to sell their Kingdom; as they were formerly to sell their King.

I. Conclude therefore upon the Reasons aforesaid; That because the Commissioners or Judges are not sworn to do Justice according to the Laws: and are parties pre ingaged (as well as their Masters, and pay Masters, that named them) ignorant men, and of wild & base professions, incapable of places of Judicature, Necessary Persons, and some of them Scandalous, and the High Court it self hath neither Law, President, nor any

H

just

10. Decemb.
1650. A New
Act passed, for
establishing
an High Court
of Justice in
Norfolk, Suff-
olk, Hunting-
don, Cambridge,
Lincoln, and
the Ill. of E'y,
&c. And so by
degrees this
gingrene shall
enlarge it self
all the King-
dom over.

just Authority for constituting thereof or the Judges therein. And all proceedings before them are directly Contrary to *Magna Charta*, the Statute 25. *Edw. III.* chap. 2. The Petition of Right and all other known and Established Laws, and the continual Practice of our Nations; and (in many points) contrary to the Law of God and the Dictates of Right Reason. *That these Commissioners are Incompetent Judges; Their Court an Extrajudicial Conventicle, tending to disinherit, disfranchise and enslave all the Freemen of the Nation; and all Proceedings before them are void, and coram non Judice.* See Col. Andrews 3. Answers, The said High Court of Justice to be a meer bloody Theater of Murder and Oppression. It being against Common Reason, and all Laws divine and humane, That any man should be Judge in his own Cause. *Neminem posse in sua causa Judicem esse.* Is the Rule in Law. But this Parliament and Council of State know they cannot establish and confirm their usurped Tyranny, (The Kingdom of the Saints,) eat up the People with Taxes, and share publick Lands, Offices, and Money amongst themselves, enslave the Nation to their Lawless wills and pleasures, but by cutting off the most able and active men of all opposite parties by some such expedient as this Arbitrary Lawless High Court is. The old Legal way by Inuries (being found by John Lilbourns Trial) to be neither sure enough nor speedy enough to do their work. A Butcher-Rowe of Judges being easier packed, then a Jury who may be challenged. So that it fareth with the People of England, as with a Traveller fallen into the hands of Thieves. First, they take away his Purse. And then, to secure themselves, they take away his life. So they Robbe him by Providence, And then Murder him by Necessity. And (to bring in their third insisting Principle) they may al-

allege; They did all this upon Honest intentions; to enrich the Saints, and rob the Egyptians. With these 3. Principles they Iustifie all their Villanies. Which is an Invention so meerly their own, That the Devil must acknowledge: They have propagated his Kingdom of Sinne and Death more by their impudent Iustifications, then by their Turbulent Actions.

An Additional Postscript.

SINCE the Conclusion of the Premises hath hapned, the Trial of that worthy Knight Sir *Iohn Stowell*, of the County of *Sommer set*: Who having bin often before this Court, hath so well defended himself, and wiped off all Objections, and made such good use of the Articles of the Rendition of *Excester*, that in the Opinion of all men, and in despite of their ensnaring Acts for New Treasons, he cannot be adjudged guilty of any Treason, Old or New, which was the Sum and Complement of the Charge against him. Wherefore the Court put off his Trial for a longer time, to hunt for New Crimes and Witnesses against him. At last came into the Court as a witness *Iohn Asbe*, notwithstanding he is a Party many wayes engaged against him. 1. *Asbe* is a Parliament-man; in which capacity Sir *Iohn Stowell* bore Arms for the King against him. 2. *Asbe* as a Parliament-man is one of the constitutors of this murderous Court and the Judges thereof, and therefore their Creatures (who expect rewards from them) bear a more awful respect to his testimony, then a witness ought to have from Judges. 3. It is publickly known that *Asbe* hath

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begged

begged of the House a great summe of money out of the Composition for, or Confiscation of Sir *Johns* Estate. And 4ly. It is known to many, That during Sir *Johns* many years Imprisonment *As* he often laboured with Sir *John* to sell unto him for 4000. l. a Parcel of Land which cost Sir *John* above 10000 l. promising him to passe his Composition at an easie rate, to procure his enlargement from Prison, and send him home in peace and quiet if he granted his desire. But although with all their malicious diligence, they cannot finde him guilty of High Treason, yet their Articles of Impeachment Charge him in general Terms with Treason, Murder, Felony, and other High Crimes and Misdemeanors; and amasse together such a Sozites and an Accumulation of Offences, as if one fail another shall hit right to make him punishable in one kinde or other: such an hailshot charge cannot wholly misse, either they will have life, estate, or both; Contrary to the nature of all Enditements and Criminal Charges whatsoever; which ought to be particular, clear and certain (Lamb. page 487.) that the accused may know for what Crime he puts himself upon issue; But this Court (as High as it is) not being Constituted a Court of Record; the Prisoner, and those that are concerned in him, can have no Record to resort to either.

1. To demand a Writ of Errour, in Case of Erroneous Judgment.
2. To ground a plea of *Auterfois Acquite*, in case of New Question for the same fact.
- 3ly, Or to demand an enlargement upon Acquital.
- Or 4ly, To demand a writ of conspiracy, against such as have combined to betray the life of an innocent man.

Whereby it follows, That this prodigious Court hath power only to Condemn and Execute; not to Acquit and

and give Enlargement; Contrary to the Nature of all Courts of Judicature, and of Justice it self: it is therefore a meer *Slaughter-house* to Commit Free-State Murders in, without, nay against Law and Justice: and not a Court of Judicature; to condemne the *Nocent*, and absolve the *Innocent*. And the Iudges of this Court runne Parallel with their Father the Devill; who is ever the Minister of Gods wrath and fury, never of his Mercy.

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The humble Answer of Coll. *Eusebius Andrews* Esquire, to the Proceedings against him before the Honourable, The high Court of Justice 1650.

THe said Respondent (with favour of this Honourable Court) reserving & praying to be allowed the benefit and liberty of making farther Answer, if it shall be adjudged necessary, offereth to this Honorable Court

That by the Stat. or Charter stiled *Magna Charta*, (which is the Fundamental Law, and ought to be the Standard of the Laws of *England*, Confirmed above 30. times, and yet unrepealed, it is in the 29. Chapter thereof granted and enacted,

1. *That no Freeman shall be taken or imprisoned, or be disseised of his Freehold or Liberties, or Free Customs, or be out-lawed or exiled, or any other ways destroyed, Nor we shall not pass upon him but by a lawful Judgment of his Peers, or by the Law of the Land.*
2. *We shall sell to no man, nor deferr to any man Justice or Right.*

By the Stat. 42. Ed. III chap III. The Great Charter is commanded to be kept in all points: and it is enacted. *That if any Stat. be made to the contrary, That shall be holden for none.*

By the Act 26 March 1650. entitled, An Act for establishing, An High Court of Justice, Power is given to this Court; To Try, Condemn, and cause execution of death to be done, upon the Freeman of *England*, according as the Major number of any 12. of the Members thereof shall judge to appertain to Justice.

And

And therupon the Respondent doth humbly inferre, and affirme that *the Tenor of the said Act is diametrically opposite to, and inconsistent with the said Great Charter.* And is therefore by the said recited Stat. 42. Ed. III. to be holden for none.

Secondly, That it can with no more Reason, Equity or Justice, hold the reputation or value of a Law, (if the said Stat. had not bin) then if (contrary to the 2d. Clause of the 29. chap of *Magna Charta*) it had bin also enacted, *That Justice and Right shall be deferred to all Freemen, and sould to all that will buy it.*

By the Petition of Right, 3. Car. upon premising: That contrary to the Great Charter, Trials and Executions had bin had and done against the Subjects, by Commissions Martial, &c. it was therby prayed, and by Commission enacted. That:

1. *No Commissions of the like nature might be thenceforth issued, &c.*

2. *To prevent least any of the Subjects should be put to death, Contrary to the Laws and Franchises of the Land.*

The Respondent hereupon Humbly observeth; and affirmeth: *That this Court is (though under a different stile) in nature, and in the Proceedings therby directed, the same with a Commission Martial.* The Freemen thereby being to be tried for life, and adjudged by the Opinion of the Major Number of the Commissioners sitting, as in Courts of Commissioners Martiall was practised, and was agreeable to their constitution: *And consequently against the Petition of Right*: in which he, and all the Freemen of England (if it be granted there be any such) hath and have Right and Interest, & he humbly claimes his right accordingly.

By the Declarations of this Parliament, Dec. and Jan. 17. 1641. The benefit of the Laws, and the ordinary course of Justice are the Subjects Birthright.

By

By the Declaration, 12. July. 6. 1. Octob. 1642. *The Prosecution of the Laws, and due administration of Justice, are owned to be the justifying cause of the War, and the end of the Parliaments Affaires managed by their Swords and Counsels, and Gods curse is by them imprecated, in case they should ever decline those ends.*

By the Declaration 17. Aprill 1646. Promise was made not to interrupt the Course of Justice, in the ordinary Courts.

By the Ordinance or Votes of Non-addresses, Jan. 1648. It is assured, *That, though they lay aside the King; yet they will govern by the Laws, and not interrupt the course of Justice, in the ordinary Courts thereof.**

And therefore this Respondent humbly averreth and affirmeth, *That the constitution of this Court, is a breach of the publique Faith of the Parliament exhibited and pledged in those Declarations and Votes to the Freemen of England.*

And upon the whole matter, the Respondent (saying as aforesaid) doth affirme for Law and claimeth as is Right. *That:*

1. This Court in defect of the validity of the said Act, by which it is constituted, hath no power to proceed against him, or to presse him to a further Answer.
2. That by vertue of *Magna Charta*, The Petition of Right, and the before recited Declarations, he ought not to be proceeded against in this Court, but by an ordinary Court of Justice, and to be tried by his Peers.

* Th y forget the 2. Declarations
9. Febr. 17. March 1648.

And humbly prayeth : That this his present
Answer and *Salvo* may be accepted
and registred.

Eusebius Andrewes.

The Second Answer of Col. *Eusebius Andrews* Esquire, To the Honorable, The High Court of Justice.
1650.

THe said Respondent (with the Favour of this Honorable Court) reserving and praying to be allowed the Benefit, and Liberty of making further Answer, if it shall be Necessary. In all humbleness for the present Answer offereth to this Honourable Court.

That by the Letter and genuine sense of the Act, entituled An Act for establishing an High Court of Justice. *The said Court is not qualified to try a Freeman of England, (such as the Respondent averreth himself to be) for life in case of Treason.* For that: 1. *The said Court is not constituted a Court of Record; neither hath Commission returnable into a Court of Record.*

So that: 1. *The State cannot upon the Record (and but upon Record cannot at all) have that account of their Freemen, which Kings were wont to have of their Subjects, and States exact else where at the hands of their Ministers of Justice.*

2. *The Freemen, and those who are or may be concerned in him, can have no Record to resort to, by which to preserve the Rights due to him and them respectively.* viz.

1. *A writ of Errour in case of erroneous judgment.*

2. *A plea of Anterfoies acquit, in case of new question for the same fact.*

3. *An Enlargement upon Acquittal.*

4. *A Writ of Conspiracy, not to be brought until Acquittal, against those who have practised to betray the life of the Respondent.*

1. *The*

1. *The Writ of Error is due by Presidents.*

Paschæ 39. Ed. III. *John of Gaunts Case* Rot. Parliament. 4. Ed. III. Num. 13. *Count de Arundells Case*. Rot. Parliament 49. Ed. III. Num. 33. *Sr. John of Lees Case*

2. *Auiterfois acquit* appears by:

Wetherell and Darlis Case. 4. Rep. 43. *Eliz. Vaux* his Case. 4. Rep. 33. *Eliz.*

3. *The Enlargement* appears by :

Stat. 14. *Hen.* IV. chap. 1. *Diers Reports* fol. 121. *The year book of E.* IV. 10. fol. 19.

4. *The writ of Conspiracy*, by :

The Poulters Case. 9, Rep. fol. 55.

This Court is to determine at a day, without account of their proceedings, and have power to try, judge, and cause Execution: but not to acquit or give Enlargement. So that the nocent are thereby punishable; the injured and betrayed not vindicable. Which are defects incompatible with a Court of Justice, and inconsistent with Justice it self; and the honor of a Christian Nation and Common wealth.

2. *The Members of this Court, are by the said Act directed to be sworn.*

1. *Not in conspectu populi;* For the Freemans satisfaction.

2. *Not in words of Indifferency and obliging in equality.*

3. *But in words of manifest partiality, viz.*

You shall swear; That you shall well and truly, according to the best of your skill and knowledge, execute the severall powers given you by this Act.

1. *If the Court be Triers and Judges too, it is humbly offered by the respondent, that it is but reasonable, that they should be sworn as triers; in the sight of the Freeman who shall be upon his Triall.*

2. *And, that as Iustices of Oyer and Terminer (They being authorized to hear and determine by the words of the Act. They should take an oath, such as is usual and equal, set down E. III.*

Viz. You shall swear, that well and lawfull you shall serve our Lord the King, and his People in the Office of Iustice, &c. And that you deny to no man Common Right.

3. Or that this Court (taking Notice of such high matters as Treason, upon the guilt wherof the Freemens life depends) should take an Oath (at least) as equall as a Iustice of the Peace. *Daltons Iust. of Peace, fol. 13. the words are,*

1 A. B. do swear that I will doe equall Right, &c. according to my best wit, cunning and power, after the Laws and Customes of the Land, and the Statutes therof made, &c.

4. If the Court will be Iudges and Triers too: (for they have power given them to conclude the Freemen, by the opinion of the major number of twelve, holding some resemblance (but with a signal difference) with the verdict of a Jury) it were but reasonable that they should take an Oath correspondent to that usually administred to Iury-men. The words are,

You shall well and truly try, and true deliverance make betweene the Keepers of the Liberties of England, and the Prisoner at the Bar, according to your evidence. So help you God, &c.

5. When this Court (as it is now constituted) hath condemned a Freeman, by applying their skill and knowledge to the power given them, whether justly or not: the Oath injoynd them by the Act 26. Marh, 1650. is not broken, literally; as to be exactable by man, though God will have a better account.

And therefore upon the whole matter premised: The Respondent (saving as before) averreth for Law and Reason: This Court by the words of the Act constituting it, is not qualified, (in respect of the objected defects) to passe upon him for life in case of Treason, And prayes this his 2: Answer may bereceived, with the *Salvo's*, and registred,

Ensebins Andrews.

The third Answer of Coll. *Eusebius Andrews* Esquire, to the Honorable,
The High Court of Justice. 1650.

THe said Respondent (with favour of this Honourable Court) reserving and praying to be allowed the benefit and liberty of making further Answer, if it shall be necessary, in all humbleness for present Answer offereth to this Honourable Court,

1. That it is his Right (if he admit this Court to be duly and legally established, and constituted as to their being a Court) to be tried by his Peers; men of his own condition and Neighbourhood.

2. That it is within the power of this Court, by the Letter of the Act, 26. March 1650. Or (at least) not repugnant to the Act, to try him by such his Peers, &c.

1. That it is his Right to be tried only so: appears by
Magna Charta, chap. 29. 25. Ed. 1. chap. 1. and 2.

25. Ed. 3. chap. 9. 25. Ed. 3. chap. 2. and 4.

28. Ed. 3. chap. 4. 37. Ed. 3. chap. 18.

42. Ed. 3. chap. 3.

By all which this Right is maintainable; And the Proceedings contrary thereto will be held for none, and to be redressed as void and erroneous.

So that if the Laws and Courts were not obstructed in the cases of some sort of Freemen of *England*, the whole Proceedings contrary to these Laws without a Jury of his Peers, were avoidable and reversible by Writ of Errour, as appears by the Presidents vouched in the Respondents second Answer.

3. That it is in the Courts power, To try the Freeman, & consequently the Respondent, by a Jury of his Equals; The Court is humbly desired to consider the words of qualification.

1. *The Court is Authorised; To hear and determine: and so (if at all Commissioners) then Commissioners of Oyer and Terminer, and such Commissioners, in their natural constitution and practical execution, do proceed against Freemen according to Law by a Jury of their Peers, and not otherwise.*
2. *Authorised to proceed to Trial, condemnation and execution: But not restrained to the manner limitative: As, to Trial by the Opinion of the Court, as Triers Nor exclusive. As, to Trial per pares. But is left in the Manner, as in the Judgment it self. To the Opinion of the major part of 12. and if they shall think fit to try by a Jury, it will be no offence against the Act, there being no Prohibition to the contrary.*

And though this Respondent insisteth upon his said Right, consisting with the Courts said power, and the more to induce the Court to grant him his said Right; He humbly representeth the wrong done to himself, and in him to the Freemen of England in the following particulars, against their just Rights depending upon such Trials to be allowed or denied.

1. *Challenges to his Triers peremptory, or with cause of Challenge.*
2. *Seeing, hearing, and counter-questioning the witnesses for clearing of the Evidence: in matter of Fact and Circumstance.*
3. *The being convicted or acquitted by a full and fully considered verdict.*

To all which benefits as his undoubted Right, and the Right of all the Freemen of England, the Respondent maketh claim by these Reasons, Laws and Presidents following.

1. *The benefit of Challenges by the learning of Stanford in his Pleas of the Crown, Title challenge fol. 150. To challenge 35. without Reason shewed; and with Reason shewn, without Number adjudged 32. Hen. VI. in Poinings case, abridged by Fitzherb. Tit. Challenge, fol. 26. allowed in Hillary 1. Jac. Sir Walter Rawleigh and Brooks.*

2. *To the hearing and questioning the value and weight of the witnesses. The Laws are plain in Stanfords pleas of the Crown fol. 163, 164. Stat. 1. and 2. of Phil and Mary, Chap 10. 11. 1 Ed. VI. chap. 12. Cookes 3. Instit. pag. 12. upon the words in the St. 25. Ed. III. chap 2 (Provablement atteint) Because the punishment was heavy, the proof must be punctual, and not upon Presumptions, or Inferences, or Streins of wit, nor upon Arguments simili, or Minori ad Majus, &c. But upon good and clear proofs, made good also by the St. 1. Ed. c. 6. 19. Ed. c. 1.*

3. *A verdict by Jury passeth from all, or not at all, in this way of proceeding by the Court immediatly: it passeth by way of concurrence (or voting) the great fault found with the Star-Chamber; and all Commissionary Courts, proceeding without presentment or Enditement.*

4. *A Verdict passeth from a Jury before discharged, upon their Affairs of business, or supplies of Nature; to prevent corruption by money or power. In this way of Trial a man may be heard to day, and a Sentence given at leisure, when the power and will of those by whom the Freeman is prosecuted, be first known. And from such a proceeding this Respondent can hope little equality; he being (to his knowledge) forejudged already by them.*

And therefore (if at all this Honourable Court think fit to proceed to a Trial of this Respondent) he claims the benefit of Trial *per pares*: by Evidence *viva voce*. And rests on the Opinion of the Court; saving (as formerly) Liberty of farther Answer, if over-ruled.

And prayes that this his Answer and Salvos may be accepted and registred.

Eusebius Andrews,

WHereas mention hath bin made in several printed Books, that *John Fowke* Alderman, was one of those persons, that did actually sit as Judges upon the Trial of his Majesty, with the Council and Attendants of the Court. And was in the number of the Judges at the Kings sentence of death. These are to give notice to all men, that the same is most false and scandalous, as will many wayes appear; And in particular, by the Certificate of *Henry Scobell* Clerk of the Parliament, in these words following, (*Viz.*)

IN a Book Ordered by the Parliament to be kept among the Records of the Parliament read in the House the 11. of December 1640. and Entituled, *A Journal of the Proceedings of the High Court of Justice, erected by Act of the Commons of England*, Entituled, *An Act of the Commons of England in Parliament Assembled, for Erecting of an High Court of Justice, for the trying and judging of Charles Stewart, King of England*; In which Books are set down the Names of the Commissioners, appearing each day in Court. Having diligently searched the same, the name of *John Fowke* Alderman of *London*, is not therein mentioned, as being present with the Commissioners at any meeting upon the said Trial, either publike or private.

March 28. 1660.

Henry Scobell Clerk of
the Parliament.

THE HISTORY OF Independency.

The Fourth and last Part.

Continued from the Death of his late MA-
JESTY, King CHARLS the First of happy
Memory, till the deaths of the
chief of that Junctō.

By T. M. Esquire, a Lover of his King
and Country.

Cicero Epist. Lib. 2. Ep. 3.

*Civem mehercule non puto esse, qui temporibus
his ridere possit.*

Id. Lib. 5. Ep. 12.

*Habet autem præteriti doloris secura recorda-
tio deletionem.*

L O N D O N,

Printed for H. Brome at the Gun in Ivie-
Lane; and H. Marsh at the Princes
Arms in Chancery-Lane. 1660.



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TO THE
S A C R E D M A J E S T Y
O F
Great BRITTAINS MONARCH.

(*The Triumphant Son of a most Glorious
Father, who was in all things More than Conquerour.*)

The Illustrious offspring of a Royal Train of
ANTIEN PRINCES

CHARLES

The second of that Name, Entitled
P I O U S

By the sole Providence of an Almighty hand, of
England, Scotland, France and Ireland,
King, Defender of the Faith.


Restorer of the English Church unto its
Pristine State and Glory.

Patron of Law and Liberty,

Not to be Seconded by any but himself,
Who is the best of Kings.

And of all Verrue to the World

THE
GRAND EXEMPLAR.



Most Dread Sovereign.

I *Is neither arrogance nor ambition that makes me thus boldly to intrude into your presence, for I know so great a Sun will quickly dazzle my weak eyes, but because the former parts were honoured with your royal Fathers name, this therefore hopes to be sheltered under your Princely wing, this but concluding what they begun, and making you the happy repayer of those Breaches, which that powerfull and restless faction of Independency made on the Regalia of England, that posterity may as well see, in this, their felicity, by you, in the ruine of that faction, as formerly they read their own misery, in the Treasonable actings thereof, against his late Majesty of ever glorious memory.*

I have no more but only to pray, that you may in this World be blessed with the
A 2 *wisdom,*

wisdom, and happynesse of Solomon, a
peaceable, long and all glorious Reign : the
age of Methuselah, wherein you may
enjoy the full contents of a most happy life,
and at last full of honour and dayes arrive
to the perfect fruition of a more glorious
Kingdom, in Gods presence, before whom is
fullness of joy, and at his right hand plea-
sures for evermore.

This from his soul is the daily prayer of
29. Oct. Your Majesties most faithfull
1660. subject and Servant.
T. M.

To

To the Nobility, Gentry, Clergy and Commons of ENGLAND.

IT is I think more out of custome than necessity, that I do at this time premise any thing, the Subject whereof we treat, having been fatally felt by most of the Nation in some way or other, yet is it necessary that the history of such urgencies in the State should be communicated, that posterity may hereafter see, in their rise and fall, the certain punishment of Treason, though for a time guarded and upheld by armed violence, and the highest policies of a subtile malice.

It is said of the Epicureans, that, though they acknowledged no providence, nor any immortality of the soul, and proposed pleasure as the only end of their lives, yet they maintained (most of them) that they that were lovers of pleasure, must of necessity be lovers of Justice, and that without virtue it was not possible for men to live in true pleasure. So as it was said of the Stoicks (who were for the most part notable hypocrites) that they spoke good things, and did foul actions, but that the Epicureans spoke and taught things that seemed foul and shamefull, but did that which was fair and honest.

Certainly these two sects of Philosophers might be the very parallel of our late times, wherein our Stoicall Grandees could speak nothing but holiness, where the practice of their lives was a continued series of horrid Treasons, while a little innocent mirth and freeness of speech was the greatest that lay, or indeed could be cast, upon integrity of their despised Antagonists: so that we might see Cucullus non fecit Monarchum.

It had been well for England if the sad occasions of writing
this

this history of the times had never happened: but they have been: And, as our Saviour saith, Offences must come, but wo be to them by whom they come, so then to declare the actions, and their method and manner, is but so to lay them open, that they may for the future be the better avoided and prevented.

The knowledg of all persons, the meaning of all matters, and the depth of all secrets, is lockt up in history according to that of Volsius, alluding to that of the Roman Poet,

Voss. de
seri. Agr.
& de art.
hitor.

Qui quid sit turpe, aut pulchrum, quid utile, quid non
Plenius & melius Chrysyppe & Crantore dixit.

And this I dare promise you in the ensuing Manual; without too violent reflections to widen differences: all the observations arising as naturally from the relations, as suitable words do fitly supply the ready tongue of a Learned Orator.

It is the general happinesse at this present, that we can read the downfall of faction, and rejoyce in the glory of restored Majesty with safety and content; and I pray God, that all the mischiefes of the remaining Achitophel's, Shimei's and Rabshakeh's, may fall upon their own heads: but peace, happiness and prosperity, may waite on our Solomon, that he may be blessed, and his throne be established, before the Lord for ever.

To Conclude; As your Loyalty in the worst, oftentimes hath been signal (if in nothing else yet in sufferings) so dispise not to read this treatise, wherein, I dare presume, you will find something which before you knew not: the work, 'tis true is short, but will not, I hope, want substance, inest enim sua gratia parvis; and to remember these things certainly cannot be irksome—

—Sæpe recordari medicamine melius omni.
to see and escape danger, causeth, not only admiration but pleasure: which that you may receive with content by the perusal hereof is desired.

Most Dread Sovereign.

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— Sæpe recordari medicamine melius omni.
to see and escape danger, causeth, not only admiration but pleasure: which that you may receive with content by the perusal hereof is desired.

I shall only add one word in particular, first to the Nobility; You are Right Honourable Princes in the Congregation of our Israel, Men of renown, exemplarily both in your names and honours. Be as eminent in service for your Prince, as obliged to him for favours, that it may be recorded of you as it is of Davids Worthies. These are the mighty men which David had, who strengthened themselves with him in his Kingdom, according to the word of the Lord.

2. To the Gentry, You are they whom Jethro counselled Moses to provide out of all the people to assist him, and be mediators between Prince and People; approve your selves according to that counsel to be able men, such as fear God, men of truth and hating covetousness, so shall the Lord give a blessing as he hath promised.

3. To the Clergy, God hath made you as a Beacon upon an hill, that you might forewarn Israel of her sins, ye are the salt of the Earth, while you preach to others be not your selves cast away, but in season and out of season labour, labour to declare Christ not of contention and strife, but sowe the word to effect that fruit may grow thereby.

And lastly to the Commons, who are tumidum & instabile vulgus: I shall only wish that they will labour for peace, and, according to their Royal Princes desire in his late Declaration concerning Ecclesiasticall affairs, acquiesce in his contentions concerning the differences which have so much disquieted the State: by which endeavour all good Subjects will by Gods blessing enjoy as great a measure of felicity as this Nation hath ever done; which is the earnest prayer of

No. 2. 1660.

Town, &c.

T.M.



THE
HISTORY
OF
Independency.

The Fourth and Last part.

THE former parts of this Book having traced the prevalent and strong Factions of *Presbyterian* and *Independent*, through the several devious pathes wherein they marched, and with what devillish cunning they did, each, endeavour to be greatest, by surprizing, or at least undermining the other, until at last they untiveted the very foundations of Government, by the execrable murder of their undoubtedly lawful Sovereign, a crime so abhorred, that it is even inexpiable, not to be purged with sacri-

The Pro-
eme.

B

fice

The History of Independency. Part. IV.

fice for ever : I say, these things having received so lively a delineation in the former parts, shall need no new recitalls. I shall then begin at the end thereof, which was; when the sacred Reliques of betrayed Majesty, *specie justitie*, received a fatal stroke from blood-thirsty hands, neither able to protect it self, or be a shadow and *Asylum* for rejected Truth, and unsported Loyalty. Thus in an unsetled and confused posture stood poor *England*, when the Sceptre departed from *Israel*, and the Royal Lyon was net only robbed of, his prey, but his Life : which Barbarism once committed, what did the Independent Faction, now grown chief, ever after stick at ? Having tasted Royal Blood, the Blood of Nobles seemed but a small thing : to which end, and to heighten and perfect their begun villanies, they erect another High Court of Justice, for the Trval of *James Earl of Cambridge, Henry Earl of Holland, George Lord Goring, Arthur Lord Capell*, and *Sir John Owen Knight* : whereof that Horsleech of Hell, *John Bradshaw*, was also President, who with fixty two more (as honest men as himself) by a Warrant under the hands of *Luke Robinson, Nicholas Love*, and *J. Sarland*, summoned for that purpose, did accordingly appear upon *Munday the fifth day of February, 1648.* for the putting in Execution an Act of Parliament (as they called it) for the erecting of an High Court of Justice, for the trying and adjudging the Earls and Lords afore said ; with whom (according to their fore-settled resolution) making short work (for they would admit of no plea) of the five they presently condemned three to lose their heads on a scaffold in the Pallace-yard at *Westminster*, on *Friday the ninth day of March* : which day being come, about ten of the clock that Morning, Lieutenant *Colonel Beesher* came with his Order to the
several

Lords H.
H. C. try-
ed.

Lords
condem-
ned.

Part IV. *The History of Independency.*

3

several Prisoners at *S. James's*, requiring them to come away ; from whence they were immediately hurried in Sedans, with a strong guard, to *Sir Thomas Cottons* house at *Westminster*, where they continued about two hours, spending the whole time in holy devotion and religious exercises. After which the Earl of *Cambridge* preparing first for the Scaffold, after mutual embraces, and some short parting expressions to, and for, his fellow-sufferers, he took his leave, and went along with the Officers, attended on by *Dr. Sibbalds*, whom he had chosen for his Comforter in his sad condition. Being arrived at the Scaffold, and seeing several Regiments both of horse and foot drawn up in the place : after he had waited a little while with a fruitless hope and expectation of receiving some comfortable news from the Earl of *Dentigh* who was his Brother ; having sent for his Servant, who being returned, and having delivered his Message to the Earl of *Cambridge* privately, he said, *So, It is done now :* and turning to the front of the Scaffold he spake to this effect. *That he desired not to speak much, but being by providence brought to that place, he declared to the Sheriff, that the matter he suffered for, as being a Traytor to the kingdom of England, he was not guilty of, having done what he did by the command of the Parliament of his own Countrey, whom he durst not disobey, they being satisfied with the justnesse of their procedure, and himself by the commands by them laid upon him ; and acknowledging that he had many wayes deserved a worldly punishment, yet he hoped through Christ to obtain remission of his sins. That he had from his Infancy professed the same Religion established by Law in the land. That, whereas he had been aspersed for evil intents towards the King, all his actions being hypocritically disguised to advance his own self-interest : hereto he protested his in-*

*Hamil-
tons
speech at
his death.*

B 2

nocency,

nocency; professing he had reason to love the King, as he was his King, and had been his Master, with other words to the same effect. That, as to the matter of invitation into the kingdom, he referred himself to the Declaration then in Print; and setting forth how ready and willing he was ever to serve the English, wishing happiness and peace to them, and praying that his blood might be the last that should be drawn, heartily forgiving all, saying, *I carry no rancour along with me to the grave.* That his Religion was such as he spoke of before, whose Tenets he needed not to expresse, as being known to all, and himself not of a rigid opinion, being not troubled with other mens differing judgments; with which words, and forgiving all that he might have even the greatest animosity against, he kneeled down with Dr. Sibbald, and prayed with much earnestness and devotion: which pious exercise performed, and some short ejaculations passing between himself and the Doctor, the Earl turning to the Executioner, said, *Shall I put on another cap, and turn up my hair? Which way is it that you would have me lie, Sir?* The Executioner pointing to the front of the Scaffold, the Earl replied, *What, my head this way?* Then the Undersheriffs son said, *My Lord, the Order is, that you lay your head toward the High Court of Justice.* Then the Earl, after some private discourse with his servants, kneeled down on the side of the Scaffold, and prayed a while to himself; afterwards with a smiling and cheerful countenance he embraced the Doctor in his Arms, and then his servants, saying to them, *Ye have been very faithful to me, and the Lord bless you:* then turning to the Executioner, said: *I shall say a very short prayer while I lie down there, and when I stretch out my hand, (my right hand) then, Sir, do your duty, and I do freely forgive you, and so I do all the world.*

So.

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5

So lying down, and having fitted himself, devoutly praying to himself a short space, he stretched out his right hand, whereupon the Executioner, at one blow, severed his head from his body, which was received by two of his Servants, then kneeling by him, into a Crimson Taffeta scarf; and that with the body immediately put into the Coffin brought thither for that purpose, and so carried to *Sr. John Hambletons* house at the *Mewes*.

This Execution done, the Sheriffs guard went immediately to fetch the Earl of *Holland*, whom they met in the mid-way, where the under Sheriffs son having received him into his charge, conducted him to the Scaffold, *Mr. Bolton* passing all the way hand in hand, with him. Being come upon the same, and observing he could not spake aloud enough to be heard by the People, by reason of the numerousness of the Souldiery that encompassed him, he said. I think it is to no purpose to say any thing; then proceeded. That his breeding had been in a good family, that had ever been faithfull to the true Protestant Religion, in which he had ever lived, and now resolved by Gods grace to dye. That he hoped God would forgive him his sins, though he acknowledged his Justice in bringing him thither for punishment of them in this World. He observed, that he was looked on as one that had ill designs against the State. Truly (*saith he*) I look upon it as a judgement, not having offended the Parliament in any thing, save an extreme vanity in serving them very extraordinarily. That his affections had been ever known to be faithfull, and without wavering: where the Parliament wrought changes beyond and against reason and Religion, there He left them. That he ever sought the peace of the Kingdom, and that made him do what

Hamilton
executed.

Hollands
speech on
the Scaffold.

‘ what he did. That he knew not how to judge of (the
 ‘ then) present affairs ; but should pray, that the King-
 ‘ dome might be again governed by the King, by the
 ‘ Lords, by the Commons : and that the People may
 ‘ look upon the Posterity of the King with that affection
 ‘ they owe: that they may be called again without blood-
 ‘ shed, and admitted into that power and glory that
 ‘ God in their birth intended to them.

‘ That he wisheth happiness even to the causers of
 ‘ his death, praying heartily to God to forgive them.
 ‘ And as Chancellor of *Cambridge* really praying, that
 ‘ that University might flourish, and be a continuall Nur-
 ‘ sery both to Learning and Religion. Then mentio-
 ‘ ning again his Religion and family, relating something
 ‘ to his own behaviour, and his being a great sinner, yet
 ‘ that he hoped God would hear his prayers, and give
 ‘ him faith to trust in him, with his prayers for the Peo-
 ‘ ple, he ended. Then turning to the side, he prayed for
 ‘ a good space of time : after which by the instigation of
 ‘ Mr. *Bolton*, he said. ‘ That he was the less troubled with
 ‘ his violent death, when he remembred how his Savi-
 ‘ our suffered for him; and again, when he considered the
 ‘ King his Master not long before passed the same way ;
 ‘ with others at this time with himself, with a serious
 ‘ and pithy justification of his said Master the late Kings
 ‘ Majesty, a short recapitulation of his first speech con-
 ‘ cerning his Actions, Religion, breeding and sufferings.
 ‘ After all, wholly casting himself, on the merits and mer-
 ‘ cies of Jesus Christ, forgiving his Enemies, praying for
 ‘ peace, and that their blood might be the last, which
 ‘ was shed strangely, the tryall being as extraordinary
 ‘ as any thing in the Kingdom : but he owned it as Gods
 ‘ hand : then having, some divine conference with Mr.

Bolton

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Bolton for near a quarter of an hour, and spoken to a Souldier that took him prisoner and others, he embraced Lieutenant Collonel *Beecher*, and took his leave of him. After which he came to Mr. *Bolton*, and having embraced him, and returned him many thanks for his great pains and affection to his soul, he prepared himself to the block: whereupon turning to the Executioner, he said; *here my friend, let my Cloaths and my body alone, there is ten pounds for thee, that is better than my cloaths, I am sure of it. And when you take up my head, do not take off my cap: then taking his farewell of his Servants, he kneeled down and prayed, for a pretty space, with much earnestness.*

His behaviour.

Then going to the front of the Scaffold, he said to the People, *God bless you all, God give all happiness, to this Kingdom, to this People, to this Nation.* Then laying himself down, he seemed to pray with much affection for a short space, and then lifting up his head (seeing the Executioner by him) he said, *stay while I give the signe* and presently after stretching out his hand, and saying, *now, now;* just as the words were coming out of his mouth, the Executioner at one blow severed his head from his body.

E. of H. H. death.

The Execution of the Earl of *Holland* being thus performed, the Lord *Capell* was brought to the Scaffold as the former: and as he passed along, he put off his hat to the People on both sides, looking about him with a very stern countenance; when mounting on the Scaffold having before taken his leave of his Chaplain, and bidding his Servants that were with him to refrain from weeping, coming to the front of the Scaffold, he spoke to this purpose.

Lo. Capell his speech before his death.

‘That he would pray for those that sent him thither,
‘and

and were the cause of his violent Death; it being an effect of the Religion he professed, being a Protestant, with the profession whereof he was very much in love, after the manner as it was established in *England* by the 39. Articles. That he abhorred Papistry, relying only on Christs merits. That he was condemned to dye contrary to the Law that governs all the World, that is, by the Law of the Sword, the Protection whereof he had for his Life: yet among Englishmen, he an Englishman acknowledged Peer, condemned to dye contrary to all the laws of *England*. That he dyed (as to the cause he fought in) for maintaining the fifth Commandement, injoynd by God himself, the Father of the Country, the King, as well as the natural Parent being to be obeyed thereby. That he was guilty of Voting against the Earl of *Strassford*; but he hoped God had wathed off the guilt of his blood with the more precious blood of his Son. That his late Majesty was the most vertuous, and sufficient known Prince in the World. God preserve the King that now is, his Son. God send him more fortunate and longer dayes. God restore him to this Kingdom, that that family may reign till thy Kingdom come; that is, while all Temporal power is consummated. God give much happiness to this your King; and to you that in it shall be his subjects. That he did again forgive those that were the causers of his coming thither from his very soul: so praying again for the King and his restoration, and for the peace of the Kingdom, he finished his speech.

L. C. his
carr. ge. Then turning about to the Executioner, he pulled off his doublet; where the Heads-man kneeling down, Lord Capell said, *I forgive thee from my soul, and shall*

pray

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pray for thee ; There is five pounds for thee, and if anything be due for my cloaths, you shall be fully recompenced. And when I ly down, give me a short time for a prayer : then again blessing the People very earnestly, and desiring their prayers at the moment of death, he said to the Executioner, you are ready when I am ready, are you not, then as he stood putting up his hair, with hands and eyes lift up he said. *O God, I do with a perfect and a willing heart submit to thy will. O God, I do most willingly humble my self,* so kneeling down, and fitting his neck to the block, as he lay with both his hands stretched out, he said, *When I lift up my Right hand, then strike.* When after he had said a short prayer, he lifted up his right hand, and the Executioner at one blow severed his head from his body, which was taken up by his servants and put into a Coffin.

L. Capell
bchead-
ed.

Having thus brought to pass their bloody purpose, shortly after they acquitted the Lord Goring, and Sir John Owen as to their lives, but seized upon all they had : according as they did upon most of the Estates of the Nobility and Gentry throughout England ; for such now was their insatiable malice, that they thought it not enough to ruine and destroy the heads of Families ; but, with divellish rancor, endeavour to blot out the name and memoriall of Posterity, by such unheard of cruelties, and barbarous actions, as would make a Savage Scythian or Barbarian blush to think on, so that we may say with Cicero in the like case ; *Rem vides, quomodo se habeat : orbem terrarum Imperiis distributis ardere bello : urbem sine legibus, sine judiciis, sine jure, sine fide reliquam direptioni, & incendiis.* Which indeed is the very present case.

The barbarous-
ness of
the facti-
on.

Thus did they grow from bad to worse, acting rather

C

like

like butchers then Men, each one of them proving to all about him, a devouring wolfe, whose insatiate gorge was never filled with his pray, so that having in effect the mastery of them (whom they called their Enemies) like true thieves they fall out about parting the stakes: the Presbyterian faction will brook no superior, the Independent no equall, upon these terms stands the Kingdom divided, when the later grown now more powerfull by the additon of the Army, whose guilt in the murther of the King had suggested to them, that the only way to save and raise themselves, was to confound and reduce all things else to an Anarchy. In pursuance of which Principle they at last proceed against the very root of Monarchy: and after many uncouth debates resolved, that the Nation should be settled in the way of a free State; and Kingly government be utterly abolished. Now was the stile in all proceedings at the law altered, the seals changed, and the Kings armes and statues in all places taken down, that so their scared consciences might not at the sight thereof be terrified, with the sad remembrance of their committed crimes. And that no sparke or attendant of antient Majesty might be left remaining, soon after, they vote the house of Lords to be burdensome and useles: and that the People might understand their meaning also, on the 21th. of February they proclaim at *Westminster*, and send it to the City the next Day to the like purpose, but the then Lord Mayor refusing to do it, as being contrary to his honour, conscience and Oath, rather chose to suffer an unjust imprisonment, which he did in the *Tower*: Any honest Man would have thought this example would have put a stop to the attempt of any villain for the making that proclamation, but so farr were they from
being

The Ar-
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Free-
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II

being deterred, that they rather grow more implacable, and having found some hair brained, and half decayed, Citizens, out of them, one is set up as a mock-Mayor, who being a fellow fit for their turns, after a short complement or two with the Juncto : he enters the Stage and Proclaims, the abolishing of Kingship, and the House of Lords. Having thus brought their design to some kind of maturity, they find another invention to be as a Shibboleth, a mark of distinction, between themselves and other men, and that was the engagement forsooth, whereby every man should promise to be true and faithfull to the Common-wealth of *England*, without a King or house of Lords, and he that would not subscribe to this, was forced either to fly, or which was as bad, to stay at home, and have neither the benefit, nor the protection, of the law of the land, nor any advantage either of his liberty or Estate ; Now might you have seen *Vice regnand* ; and nothing but Schisme and faction Countenanced, now might you have beheld *England*, sometime the Glory of the World, now become its by words, the name of English-being among forreign Nations esteemed as a crime sufficient, so did the Land mourn for oaths that she was ready to vomit out her inhabitants, while the Juncto still endeavour to palliate their villany, and to get allies among neighbour Princes and States, to many of whom they send Embassadors (as they stiled them) and were again reciprocally courted and owned, and particularly by the Spanyard and the French ; but the Dutch did seem to be Men of a better mould and temper, and therefore having no better ground they quarrell for superiority; denying to vaill to the English, because they were the younger State, yet still owning that respect to the Monarchy : hereat the

The Proclamation against Kingship.

The engagement a mark of distinction.

The dutch quarrel.

St. Johns
sent to
treat, but
returnes
without
doing any
thing.

English (though yet but an) Embrio begin to startle, and weighing the unsettledness of their basis, and that all they had hitherto done was only dawbed together with untempered mortar, they resolve to try all wayes rather then fall out, and will seek to gain that by Courtship, which they are unwilling to hazard by force; as a fit Man for this work they pick out a pure Saint, Mr. *Oliver*, St. *Johns*, and dispatch him into *Holland* with, as large a train, as great State, and as full instructions as they could possibly afford or invent, whether when he is come, he makes his addresse to the Lords States, but with so little approbation and success, that in a little time he began to grow weary of his businesse, especially, when the multitude began to grow clamorous against him, insomuch that he durst hardly stir abroad, so that being both outworded, and outwitted, after many debates, brotherly expostulations, Declarations, and hearty desires to small (or rather indeed to no) purpose, he gravely makes his Congee, takes his leave and vanishes; The Juncto at his return, somewhat discontented at his fruitless Embassie, yet finding no other remedy, and willing to make the best of a bad market, prepare for war, (for by this time the Dutch had begun both to affront them and seize on what they could catch as lawfull prize) which so vexed the English. Puny State, that they presently fall to an open war, the various successes of which, and the losses that accrewed thereby to each party by means of the same, I shall not make the work of my pen, having only designed to delineate those black deeds of impiety acted within the narrow limits of our *England*, by the horridest crew of bloody miscreants that were ever spared by Divine vengeance from sudden destruction.

The

The English affairs and Government being thus wrested into the hands of a few desperate persons, the next thing aimed at is, the reducing of *Ireland*: for effecting whereof they give a Commission to, and raise an Army under the Command of, *Cromwell*, which he as suddenly transports thither, *Ormond* and *Inchequeen* having at that time all the Country in obedience to his Majesty, (save only *Dublin* kept by Col. *Michael Jones*, and *London-derry* by Sir *Charles Coot*) when lo, as it were to wellcome *Cromwell, Jones*, immediately before his arrival, had made way for him by the overthrow of *Ormonds* forces about *Dublin*: And now, as if fortune had already designed him the laurell, *St. Charles Coot*, in another place at *Londonderry*, worsteth a Second party, and the Earl of *Ormond*, and the Lord *Inchequeen*, having joyned their broken forces into a considerable strength, are again together overthrown at *Connaught*.

The concatenation of these successes, together with the cruelty exercised by *Cromwell* at the taking of *Tredagh* by storm, where his rage spared neither age nor sex, a barbarism scarcely used by the very Turkes, cast such a Panick fear over the whole Nation, that the strong holds fell into his power, like over-ripe fruit into the prepared hands of its ready gatherer.

So hidden and mysticall is the series of Gods providence, that for a time, the most enormous crimes are counted vertues, & the poor loosing honest soul constrained to stoop and bow under the heavy yoke of a prevailing tyrant; yea Majesty it self enforced; (like the clouded Sun) compulsively to hide his beams, and retire with his light for a while, as though it had been but borrowed, but as the Sun, so Majesty can never be kept in perpetuall darkness: for by this time the Independent

The Leveller begins to stir.

dent, who had for a space been chief, find a Competitor of the Leveller, who resolves either to share in the whole, and to reduce and keep all in an equality, whereby himself may be one of the greatest, or else to endeavour to bring back all into its originall channel, and to shew they meant as they said, with better hearts then success or strength they rise in three or four places, for they are as soon quaiht as seen, and themselves and their design end both together : A garment of linnen and woollen was forbidden to be worn by the Leviticall law, and I suppose because the mixture would be improper either for wearing, or handsomness of sight, in the same manner may I say of the Levelling faction, that though they in intent were reall for restoring the King, yet God would not suffer it to be brought to pass by such hands, that had been so deeply dyed before in royall blood. The royal party though under hatches, and now suffering for their loyalty, having passed and been refined in the fire of affliction must be the Men, whose unsupported fingers shall not only pull down the Idolized Babel of the Peoples imagination, but repair the decayed ruines of our broken Government, and reinstate exiled Majesty upon its throne adorned with safety, and with beaurty both, and guarded with the safest strength of faithfull hearts and hands, better then walls of brass or formed troops of mercenary Souldiers.

Scots send to the King.

But that time was not yet come, although the Scots sent a peculiar messenger, the Lord Libberton to the King, desiring him among other things, that he would please to appoint a place for a Treaty to be between his Majesty and his Kingdom of *Scotland*, which offer of theirs, was graciously accepted, and a Treaty appointed at *Breda*, on the 15th. of *March*, whither the Scots

Com.

Commissioners came the 16th. and on the 19th. fell to their business, neither would by any means relinquish their Presbytery though but in part, and as to the particular person of the King himself, whom they strongly bound up to the Covenant, Directory and Catechismes, whereto his Majesty; after many long and serious debates, ^{Treaty at Bredab concluded.} having unwillingly consented. The Scots on their part did promise. 1. That his Majesty should be admitted to the throne of *Scotland*. 2. That his Rights then should be by Parliament, recovered from the hands of Usurpers, and 3. That they would assist to bring the murderers of his Father of blessed memory, to condigne punishment, and to restore him to his Native Kingdom of *England*.

A happy, Omen, surely was this promise and undertaking hoped to be, and so indeed it might have proved, if it had been gained from any but the worst of Scotch-men, the Presbyterians, for, at the very same time as it were, when they had concluded the Treaty, and thus highly promised the King as is before mentioned, I say at the same time, having gotten the famous Marquess of *Montross* into their hand, whose only fault was Loyalty to his Prince, having brought him with as much ignominy as they could devise to *Edenburgh*, they there charge him for keeping away the King (observe the King was now upon the point of coming to them) from his subjects. 2. For the invading that Kingdom. 3. For all the murders in the war, and for wast upon *Argiles* Estate, &c.

Mark, here I pray, *Montross* must be murdered (the best subject the King had in *Scotland*) and just when the King is ready to come thither, (as if it were done in despight to him) but why? for keeping away the King? ^{*Montross* murdered and the reasons thereof.}
No,

No, he had promised to be with them with all speed, which *Montross* in prison could not have hindred. Was it for invasion? alas neither, for he had none but his own Countrymen, and of them but a very few, and they quickly, and easily defeated; what, was it for then, for murder? alas neither, what then? O! here's the Divil that murdered the famous *Montross*, for waste upon *Argiles* Estate; *Argile*, I say that underminer of his Sovereign, who in a short time after, upon his arrival, was by the means and instigation of him, upon pretence of non-performance by the King, left destitute either of friends (whom they banished from his Court,) means, (which they curtailed him of) and strength (allowing him neither a Souldier nor a garison, nay not a town where he might with safety repose his head); things being at this pass, and his Majesty with much ado gotten into *Scotland* as aforesaid, which the Juncto at *Westminster*, having perfect intelligence of, and weighing with themselves that promise of the Scots, to bring the murderers of the Kings Father, to condign punishment, they begin to think it high time, to provide for their own safety, in consulting whereof, after much time spent, it is resolved the safest, wisest, and to them least chargeable course to wait, on the Enemy in his own Country, whereby they carried the war from home, and not to stay for him to bring it to their own doors.

As a strong motive to this, just at the instant, they discover that many of the Presbyterians of *England*, had by their agents agreed with the Scots at *Bredah*, to re-establish his Majesty in all his Dominions: Whereupon many eminent persons are seized on, and among them, Mr. *Cass*, Mr. *Jenkins*, Mr. *Jackson*, Mr. *Love*, &c.

Which

The K. in
Scotland.
held to
hard
meat.

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Which Mr. Love together with one Mr. Gibbons suffered death together on Towerhill, at the earnest sute of Crom-^{Mr. Love and Gibbons beheaded.}well, protesting he would not march into Scotland, unless they were cut off: Being moved hereby as well as by their own fear and guilt, his Majesty is scarce in Scotland, but Cromwell is at the borders with 16000. Horse and Foot, on their behalf; to whom Lesly, L. G. of the horse, which were now raised, after some expostulations by Letters and Declarations, sends word that he is in armes upon the account of the good old cause, and not upon the account of the King, whom he cleerly disowned; Straughan and Ker, not only disown the King, but say positively they will fight against him, so that now it was not *Bellum Regale*, a war to maintain the Kings honour, and the points of the treaty, but *bellum Presbyteriale*, a war for the Kirke of Scotland, against the Independent faction of England (those two great parties being come now to a second contest for superiority) for Leven commanded the Foot, and Lesly as I said before the horse, and these two unanimously drew out against Cromwell, and fought him within six miles of Edensburgh, though to little purpose, for he immediately after became Master of the field, and took Garri-^{1. Fight at Edensburgh.}rison, as fast as he came to them, defeating them at Musselbourgh, and pursuing them to Pentlan-hills, where the Scots had him in a straight, and might have destroyed him, but the certainty as they thought of the victory, caused them to delay, by which, and the fatal necessities of sickness, hunger and cold pressing upon Cromwells Army, made them choose rather at one fight desperately to hazard all, then timourously to become the scorn of an insulting foe, which they knew they shoud find: following this resolve with diligence, they whisper about

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3. *Dunbar*
fight and
totall de-
feat.

the word to each other, in the midst of a dark and rainy night, they crept up the hill and fell on the Scots so suddenly and beyond expectation, that they were disordered by the first attempt, yet by reason of, their multitudes, and a little courage, they held up a while, till surrounded on the back by *Cromwells* horse, the Scots horse affrighted, begin to retreat, and soon after to flie in good earnest, leaving their foot to mercy, who were taken in greater numbers then the English Army consisted of; the Independent power by this victory being absolute conquerors, and the Presbyterian pride laid groveling in the dust.

King in
the North
of *Scotl.*
private.

King sent
to and re-
turnes.

During this quarrell between the said two factions, the King (as disowned so) not interested therein, retires first to *St. Johnston*s, and after that, privately into the North of *Scotland*, where he continued, expecting what God would do for him; assuring himself that this defeat at *Dunbar* (as things then stood) could not be for his prejudice: which indeed, quickly fell out according to his expectation; for the Scots upon that overthrow were somewhat humbled in Spirit, and now began again to think of their late abused King, wishing in their hearts he were among them, (fearing to speake the truth) least he would have joyned with Northern and loyal Highlanders, to prevent which they send *M. G. Montgomery* with forces to intreat his Majesties return, who finds him out, and affectionately delivers his message: which the King received even with joyfull tears, as minding the justice of God upon those perfidious Scots, whose pride in success carried them beyond all bounds of allegiance (and like a stubborn child must be soundly whipt ere they will kneell and the good manners they obtain must be beaten into them): Yet he accepts of

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of their request, and accordingly goes towards them. Who but so good a King would have exposed himself to such mens trust, in so dangerous a time? *Innocentia est sibi munimentum*, for he resolves to return. Upon notice hereof and his arrivall, the Parliament address themselves to him, and appoint the time for his Coronation: which was accordingly with much State, pompe and Ceremony, performed on the first of *January* following at *Schone*; the particulars whereof I shall not enter upon, severall relations thereof being already extant.

His Majesty thus invested in his throne, undauntedly proceeds to secure both his person and Kingdom: to which end he begins to raise and levy an Army, both of horse and foot, which in short time, by the conflux of loyal hearts from all parts, became even formidable to its Enemies, especially having their Prince engaged in person, (whose every hair was valued at ten thousand lives) and an equall sharer with them in all things. As they did encourage the hearts, and strengthen the hands of all that were faithfull, so they were a torment of Spirit to the insulting Enemy, who for the present, seeing that force alone would not serve the turn, politicly resolves, to undermine and weaken them by division among themselves, knowing that rule to be true, *Divide & impera*, and indeed so it proved: for with so much divellish cunning did the English work, that they procured *Straughan* with some forces together with *Ker* to declare against the King, Lastly with others, stand for Kirk and King. But *Brown*, *Middleton*, &c. with the best and honest part of the Army, vow to sacrifice their Lives and Estates in defence of the Kings person. In this tottering and unstable condition stood affairs, when *Cromwell* alwayes mindfull to lay hold on the first advan-

King
crowned.

K. raiseth
an army.

Scots di-
vided.

The roy-
alists and
Kirk re-
conciled.

rage, and being certainly informed of the height and heat of these divisions, he takes time by the forelock, and striking while the Iron was hot, he sends to *St. angham* and wins him over to him, to fight against his lawfull Sovereign, rejoycing to have debauched such a Souldier, whose infidelity must now make him sure to *Cromwell*, not daring to rely on the good of those whom he had so trayterously deceived; the remaining two parties, continuing yet in their feuds, are at length, to prevent the destruction of both, by the care of the Parliament then sitting taken into consideration, and reconciled by the equal distribution of commands, upon the most eminent persons of both factions; under one only head and Generall commander, which was the King himself. By this union being again become considerable, yea and indeed in a posture of defence, the King deliberately sets forward toward the Enemy, who hearing of it, with more, both fury and expedition marcheth to meet him. And here you might have observed the different means used by two potent armies to destroy each other, *Cromwell* would ruine the King by fighting, the King endeavours to conquer *Cromwell* by delaying: never were *Hanniball* and *Fabius* so truly patterned as at this time, for the King knowing it to be an invading Army, took the best means to break it by delayes, getting away all provision, that the Enemy might have no forrage, and as occasion served, giving ground, till some notable advantage might be found, as might give an hopes if not an assurance of a victory; and according to expectation so had it proved, for being desirous to fight, and hearing the King intended to pass at a certain narrow Island, thither he commandeth two Regiments against whom *Brown* did march with five or six, fell

Fight in
life.

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21

fell on them, and in probability had destroyed them utterly, had not relief come with speed, and in the nick of time, whereby after a hot and eager fight for some hours, both parties retreated with no small loss to either, yet such was the fortune of that ambitious wretch *Cromwell*, that notwithstanding this, and that his Majesty had still a good Army in the field, he over-ran the whole Country and conquered with less difficulty than he marched; which his Majesty perceiving, he resolves on new designs, and accordingly within a short time, with his choicest friends and the remains of his Army amounting to 16000. he privately, gives *Cromwell* the go-by, and marches by *Carlisle* into *England*: so have I seen a bird decoy the greedy fowler from her loved nest, ^{K. marches into England.} by a seeming neglect thereof in the retiring from it.

It was generally believed that the Kings arrivall in *England* would have been a motive to all that loved him to stir and shew themselves in armes for his defence, but such was their hard fate and sad misery at that time, that they durst not stir, the yoke lay so heavy, that it was imprisonment if not death, but to look towards the King, yet maugre all devices against him, he came through all the North into *Warrington* in *Lancashire*, ^{K. wins Warrington bridge.} where at a bridge the passage was disputed with the Enemy, who did endeavour to break it down, but with such advantage, that the Rebels were forced to fly and leave the King master of the place, from whence with his whole Army he marched towards *Worcester*, ^{Comes to Worcester.} where contrary to the rules, both of reason and war, and contrary to his own mind and resolution, over-swayed by the treacherous Counsel and perswasions of some too neer, and in too great command about him, he stayed, what might be the motives to delude the King into such

a trap the *L. G.* is better able to give account off than my pen ; but where treason lies in the heart, there must all things of force be bad, no relations, ties, or duty can hold or convince him who hath sold his conscience. About this time, the whole Kingdom, having taken the Alarm, run in troupes and multiudes, some one way, some another, severall of the Gentry, particularly the Earls of *Derby* and *Cleveland*, the Lord *Howards* Eldest Son, Collonel *Howard*, with many others bring what strengths, in such a confusion of affairs and streight of time, they could gather together, but to little purpose : for they are as it were besieged within the City of *Worcester*, all the Counties of *England* having powered out their auxiliary forces against that place, to heighten and increase whose malice *Cromwell* is sent to head them. Now might you have seen *Herod* and *Pontius Pilate* reconciled, and both against Christ: Those two restless and adverse factions, the Presbyterian and Independent faction, could joyn together, both in their armes, and prayers against his sacred Majesty, belching forth the scandalous language of their ulcerous tongues to incense the People, and bring them into frenzy against those few poor despised loyall ones, & so indeed they did; those very pretended Ministers not only preaching, but largely contributing to the raising of more forces from day to day, yea some of them going in person to assassinate the poor inclosed Royalists, who yet resolved, that though they foresaw their ruine, as not being able without a miracle to cope with such an innumerable multitude, they would sell their lives at a dear rate, and make some of the purchasers at least share in an equall fate with them, and so in truth they did. For *Cromwell* now being very neer, commands *Lambert* to
take

take and secure *Hopton* bridge, in the defence of which passage *Massey* shewed both much courage and experience, though forced to retreat thence and leave the same unguarded, being over-powered with *Lamberts* multitudes: after which, for a Day or two, there happened diverse Skirmishes with as various fortune as is usuall at such times; but *Cromwell* not brooking such delays (as fearing they might prove dangerous, if any part of his forces should bethink themselves) resolves upon one generall attempt: and to find work for all hands, himself falls on upon one side, and *Fleetwood* on the other, so that now ther's nothing but rage, slaughter, and blood, the loyall Highlanders even standing to fight when they had lost their legs, not at all daunted at the severall horrid shapes. Death presented himself to them in, but covering the ground with their slaughtered bodies, in death made good that place, which in life they undertook to defend: while the increasing Enemy by his numbers, rather killing then conquering, their fear and guilt guiding them to exorbitances, which the other valiant, though dying souls were not capable of, proving that maxime true, that fear is farr more painfull to cowardise, than death to a true courage. But *Adum est*, their end is concluded, the decree is gone forth: so after severall routs and rallies, a generall defeat succeeds with the death of between 4000. and 5000. and about 7000. or 8000. taken prisoners, the pursuite being both hotly and eagerly pursued, each villain hoping to enrich himself by seizing on the Royal pray. But Heaven had sent a Guardian Angell to protect him, that at length he may once more come and be the restorer, both of our peace, Religion, and Liberty. I shall not mention the means were used, or the
Spirits

Spirits which God raised up to be instrumentall, in that miraculous deliverance, let it suffice they have their honour and reward, and bless we Cod; who hath made us worthy to be partakers of the inestimable good that hath accrewed thereby, invoking Heaven to crown his life with length of dayes and health, and to settle his throne by a decree as unalterable as that of the Earth which cannot be moved.

Thus once more we see Rebellion flourish and applauded; for after this, the seeds of ambition begin to grow higher in *Cromwell*, it is not enough that his faction is the strongest, and he the head of it, unless he may as well govern as command: The military sword will not satisfie him, he must and will also have the civill; but as he sees it must not be done rashly or suddenly, least he should miscarry, so knowing that fair and softly goes farr, and *festinare lente* is the best hast, he concludes in his heart either to have all at his own beck, or dye in the attempt; and the better to moddell his design according to his resolution, he comes to the Juncto, gives them account of all his transactions, and so insinuates into them that he gets his Son *Ireton* to be made Deputy of *Ireland*, and intrusts *Scotland* into the hand of *L. G. Moncke*, a revolted Cavalier, by which two persons in a short time he so roughly handled both those said Nations, that they were reduced to as perfect a slavery as could be imagined.

Cromwells
policy
and pow-
er.

Upon consideration of these successes on all hands, he begins now more publickly to unmask himself; As General he places and displaces Officers in the Army at his pleasure, untill he have so fitted them to his own humour, that he dares begin to take them into his Councill, where the first thing resolved is, still to hold
up

up the mask of religion, there is no bait so catching to the vulgar : religion therefore must be cried up, methinks I see *Cromwell*, like *Cariline* at *Rome*, with all his crew of bankrupt and much worn Officers about him, speaking to them thus. Surely I need not tell you the great things the Lord hath done for us, your selves are witnesses thereunto : I confess, our actions seem not to agree to our professions, but tis no matter, let People say what they will, so we be still gainers, let Governments totter and fall, the whole World be made but one Enthusiasme, or reduced into its primitive *Chaos*, rather than we shall now loose or hold, yet still the mask of zeal must be kept on that we may not appear in our naturall colours, villains *ab origine* ; By these and the like words is that vicious brood soon instigated to act what his ambition dares command.

Now was he grown so lofty and imperious that he even growes weary of the Juncto, and especially because they were at the present the main barr that hindered his greatness : To remove therefore that obstacle, on the twentieth of *April* 1653. early in the morning he seizes the keys of the Parliament house, shuts up the doors, and tells the Members that they must come no more there, having already sate too long, meriting rather punishment than applause, being no other than an assembly of Whoremasters, Drunkards, Hypocrites, Knaves and Oppressours ; thus was the pretence of the Parliament taken away, and no face of Government visibly appearing : Never was the faults of Usurpers with more bitterness laid open than now by him, whom we shall shortly, as transcendently, to out-do them in all acts of Tyranny and Usurpation, as the brightest beams of a midday sun excell the glimmering

E

light

Long
Parlia-
ment
turned
out.

light of a midnight candle. Tis true as *Seneca* saith, *Nul-*
Sen. ep. 3. la tam modesta est felicitas ut malignitatis dentes vitare
possit, there ever was and ever will be some murmurers
 at present Governours, but so far were either they, or
 he from being belyed, that unless a Man do speak all
 that may be imagined evill, he must needs fall short of
 their wickedness,

The Government being thus altered, first by laying a-
 side and murthering their lawfull Sovereign, then by
 sifting and purging the Parliament, till loosing its origi-
 nall, it either became as nothing, or at the best but a
 Juncto, and when it would no longer sute with *Cromwells*
 ambitious ends and soaring thoughts. by turning it ab-
 solutely out of doors; At last after much pretended
 seeking of God by dayes of humiliation, *Cromwell* for-
 sooth is counselled to call together an assembly of men,
 picked out and called as fit for his design. These he
 summons together by a Letter under his hand and seal
 directed to each single Man; who (in their way of can-
 ting) admiring at the great goodness of God, that had
 put it into the Generalls heart to select them to so great
 a work as the settlement of the Kingdom, and to shew
 their skill, and as an Essay of their zeal, they first vote
 down all Tythes, discourage the Ministry, abuse the
 Universities, and endeavour to abolish the law, and
 consequently to take away all propriety. By which Acts
 the Nation beginning to be sensible of the Divil, where
 with they were possessed, did frown upon them, which
 so disanimated our Fanarick Enthusiasts, *ha a* the very
 first blast they left the helm, and like good boyes and
 well-taught, having drawn up formally an instrument
 under their hands and Seals, they repair to *Cromwell*, and
 (according as the design was laid) together with the
 said

Barbones
Parlia
ment.

said instrument deliver and resign the Government to him and his Council, who (though at first he seemingly denied) yet immediately after, with much solemnity he accepts thereof, before the Mayor, some Aldermen, some Judges, and the Officers of the Army. Having thus far perfected his devillish design, and made all his own, by modelling the Army under the command, of his own Creatures; settling the Government of *Ireland*, upon his Son *Harry*, and *Scotland* reduced to obey and submit to him: It is now thought fit he should declare himself, which to please and gull the people the better, he does by abasing himself, and calling (as he termed it) a Parliament, to meet on the Third of *September* 1654. Which it did, but the poor animalles not having well conned their lesson before-hand, were, suspected dull, and turned a grazing to get more understanding, the very first instant he might lay hold on to do it; By which means once more all pretence of Government being utterly abolished, he himself playes Rex, and by an arbitrary power beyond, without, and against, law, doeth what he list, by Mayor-Generals (a name in *England* unknown) oppressing the Country, robbing the Gentry, spoiling all, and murdering many, so that none durst say what doest thou? A question was converted into a plot, and to deny a tax merited decimation. It was not enough, to have suffered all former rapines, imprisonment and plunderings, fines and taxes, but at last we must all be decimated. We were *tanquam Oves* destined for slaughter, and such was our misery there was none to redeem: sad testimonies whereof were *Gerard*, *Grove* and others about this time, whose blood only could expiate a crime they never thought or were guilty off.

They resign to
Cromwell

Cromwells
first Par-
liament
do no-
thing.

Major
Gen. set
up.

Cromwells
second
Parlia-
ment
confirm
him as
Pro-
tector.

In this unlimited posture of arbitrary power did the the Kingdom stand, when that Arch-Machiavillian *Cromwell* adding strength to the wings of his ambitious mind soared an Eagle-height, and made all the circumference of his actions to center at the royall State, thinking with a grasp of the Scepter to ennoble his name and family, not minding either the danger of the passage or the slipperriness of the station, when arrived at the top : And indeed such was his fortune that he did ascend the throne, in which it was for the future, his restless endeavour to settle himself and his posterity, and the better to cast a seeming gloss of legality upon his usurpation, he summons another Parliament, in the Year 1656. hoping thereby to work his ends unscen, and so he did (as to the vulgar eye) for soon after their meeting and first triall of their temper, he so moulds them to his own humour by a recognition, that they are overhastily delivered of a strange abortion, by them called the petition and advice, &c. in which with much solemnity, though damnable hypocrisie, they desire him to be King, but in more general terms to take upon him the government, and be chief Magistrate, which he very gravely considering of diverse dayes, returns his denyall, in part, but withall insinuates in part, his willingness to be settled Lord Protector, at which newes his faction rejoycing, (with many Eulogies for his humility in refusing the Kingship) he is by the said Parliament, who adjourned for the same end, solemnly installed Protector at *Westminster* by *Widdrington*, who was the Speaker to that convention, by *Whitlock*, *Lisle*, *Warwick*, &c. And upon their resisting, he is petitioned to accept of almost two millions, by the year for his support, to maintain a crew of idle wenches his
daug-

daughters, whose pampered lusts were grown almost insatiable) 2. To erect a new house of Lords of his own Creatures, who being indebted to him for their raising, durst do no other than by a slavish submission, perform his tyrannous will, 3. To name his successor, that so he might entail his yoke of tyrannical Usurpation and slavish oppression on the Kingdom, and severall other things: which with much adoe, after many perswasive intreaties and much unwillingness, God knowes) he accepts of.

No sooner is this done, but the fox laughs in his sleeve to see how he has cheated the Parliament. And therefore to make them know their rider, after a few words of exhortation to them of the want of them in the Country, and the necessity of their retiring thither for the peace of the Nation, with a friendly nod he dismisseth them and sends them home.

The said
Parlia-
ment dis-
solved.

Thus with much cunning and dissimulation having attained the perfection of his desires, knowing that such greatness must be upheld with allies, and every noble coat of armes must have his supporters, he strengthens himself at home, by intermixing with noble blood marrying own of his Daughters to the Lord *Faulconbridge*, and an other to the heir apparent of the Earldom of *Warwick*, the later of which though in the prime of his youth, finding the disagreement between Noble and Rebell blood, was soon over-heated and by the suddenness of his death left his wife the widow of a loathed bed. In the next place he seeks friendships and leagues abroad, and intending to close with *France*, he directly quarrels with the *Spaniard*, and affronts *He closes with France.* him in severall places near about one time, particularly he sends one part of the Fleet under the command of

Cromwell
seeks to
strengthen
himself.

of *Pen* to *Hispaniola*, but with so little disadvantage that he was enforced to retreat thence, with no small loss, falling soon after on *Jamaica* with better success, winning a part thereof, though most inconsiderable, the whole Island being not worth the tenth part of the blood and treasure it hath cost this Kingdom, being no way at all serviceable, either for the advance or security of trade in those parts; *Mazarine* in *France*, finding the benefit of these helps, upon the very first motion strikes with him a league offensive and defensive, *Cromwell* promising to assist the French with 7000. Men to maintain the war against the *Flanders*: which at this time he sent, they proving so helpfull by their valour, that in a short time they gain *Mardike*, *Gravelin*, and *Dunkirke*, the last of them according to articles, being delivered up to the English, in whose hand it yet remains. In the *interim* while these things were transacting, *Cromwell* suspicious of every blast of wind, and fearful of every motion, contrives in himself to take off two or three of the most eminent of the Kings party in *England* to daunt the rest, among whom he separates one layman, Sir *Henry Slingsby*, and one Churchman, *Dr. Hewit*, for the slaughter: and conscious to himself that they had done nothing contrary to the law of the land, he durst not try them by a Jury, but re-erects his monstrous high Court of Justice; before which being brought, they denied the authority thereof as unwarrantable, which so wrought upon the patience of Mr. *Lisle* their bloodily learned President and the rest of the gange, that they (according as they were fore-instructed by their Master *Divell Oliver*) without any great matter of circumstance condemne them both to be beheaded, which sentence was accordingly executed,

on

Dunkirke
gained.

Dr. Hewit
his death.

on them the 8th. Day of *June* at *Towerhill*, notwithstanding all the means their friends could use of engagements, persuasions and money, and the deep, earnest and continued intreaties, sollicitations and supplications of Mrs. *Claypoole* his best beloved daughter, for so in-
exorable he continued, that like the deaf adder he stop-
ped his ears to the charmer, charme he never so wisely :
at which unheard of cruelty, and for that Dr. *Hewits* Lady (as is said) was then with child, Mrs. *Claypoole* took such excessive grief, that she suddenly fell sick, the increase of her sickness making her rave in a most lamentable manner, calling out against her Father for *Hewits* blood and the like, the violence of which extravagant passions working upon the great weakness of her body, carried her into another World, even at the heighest thereof.

Mrs. Claypoole's death.

No sooner did *Cromwell* receive the deplorable newes of this sad death of his Daughter, but himself falls into a desperate melancholly, which never left him till his Death, which was not long after. Give me leave here
to relate a passage which I received from a Person of Quality, *Viz.* It was believed, and that not without some good cause, that *Cromwell* the same morning that he defeated the Kings Army at *Worcester* Fight, had conference personally with the Divell, with whom he made a contract, that to have his will then, and in all things else for seven years after from that time (being the Third of *September* 1651.) he should at the expiration of the said years have him at his command, to do at his pleasure, both with his soul and body. Now if any one will please to reckon from the third of *September*, 1651. till the Third of *September*, 1658. he shall find it to a Day just seven years and no more.

Observe.

Cromwell's death,

at

at the end whereof he dyed but with such extremity of tempestuous weather, that was, by all men judged to be prodigious, neither indeed was his end more miserable, (for he dyed mad and despairing) than he hath left his name infamous; this was the end of our English *Nero*, and thus having laid the best foundations, his short and troublesome Reign would give leave to have continued his posterity in the same unlimited Dominion, at his death, (*si ullasides viris, qui castra sequuntur*) declaring his eldest Son *Richard* his successor in his Usurpation. Leaving his Son *Henry* Lord Lieutenant of *Ireland*, and his Daughter *Fleetwood*, married to the Commander in chief of the Army under himself, and the only Man suspected for a Competitor in the Protectorship, for *Lambert* had been laid aside long before as a person of too dangerous and aspiring principles to be trusted.

*Richard
Cromwell
Pro-
tector.*

Richard Cromwell presently ascends the Throne, being but a private Gentleman of *Hampshire*, invited thereunto and encouraged by *Fleetwood*, *Desborow*, *Sydenham*, the two *Janes*, *Thurloe*, and others, the relations and confidents of his Father: His first work is to take care for his Fathers Funerall, his corps being shortly after interred among the Kings and Queens at *Westminster*, at a far* greater charge than had been used upon like occasions in the richest times, death giving him that honour which he aspired to, but durst not embrace in his life time, which solemnity past, by the contrivance of the new Courtiers, congratulations are sent (prepared at *Whitehall*) from most of the Counties, Cities & chief Townes of *England*. And from the Armies of *England*, *Scotland*, & *Ireland*, with engagements to live and dye with him. Addresses from the Independent Churches, by Mr. *Goodwine* and *Nye*, their Metropolitans, and was indeed worshipped by many

*29000 l.

many as the rising Sun in our Horizon.

This Introduction being made for transferring the Government of these Nations, from the Royal family of the *Stewarts* to that upstart of the *Cromwells*: it was thought fit, that a generall Convention, after the manner of a Parliament witley chosen by influences from *Whitehall* should be called, to meet the twenty seventh of *January*, and (upon pretence of restoring the people to their antient way of Elections, but reall) that the Court might command the more votes, the *Burroughs* also had writs sent to them, and the Elections were all made in the antient way, only thirty members were called by writs from *Scotland*, and as many from *Ireland*, according to the late combination of the three Nations into one Common-wealth.

This new kind of Parliament being met at the time and place appointed, God who had so well ordered the Elections, notwithstanding the practices of Men, that their English Spirit quickly appeared against Impositions, both from Court and Army, which being discerned by the Protector and his Grandees, a Recognition is sent to them to be drawn into a bill, the debate whereof taking up a whole fourtnights time, and they still remaining in a great streight, till, by the expedient of an honest Gentleman, they were extricated thence by passing these votes on *Munday* the 14th. of *February*, 1658. without any division or negative.

Resolved, that it be part of this Bill to Recognize and declare his Highnesse Richard Lord Protector, and chiefe Magistrate of the Common-wealth of England, Scotland, and

F

Ireland,

Di. ly
Parlia-
ment
now me-
del ed.

A^t of
Recogni-
tion.

*The History of Independency. Part IV.
Ireland, and the Dominions and Territories
thereunto belonging,*

Resolved, that before this Bill be committed, the House do declare such additional clauses to be part of this Bill, as may, bound the power of the chief Magistrate, and fully secure the Rights and Priviledges of Parliament, and the Liberties and Rights of the People, and that neither this nor any other previous vote, that is, or shall be, passed in order to this Bill, shall be of force, or binding to the People, till the whole Bill be passed.

Commit-
tee of in-
spection.

This done, a Committee of Inspection is appointed to take a view of the accounts and revenue of the Commonwealth, & twelve Members versed in matters of account, were selected and fully impowered for that work, in order to the lessening the charge of the Commonwealth.

Parl. to
consist of
two
houses.

On Saturday the 19th. of February, they re-assumed the debate upon the Act of Recognition and resolved. That it be part of the bill to declare the Parliament to consist of two houses: after which they fell upon the point of bounding the chiefe Magistrates power and the bounds and powers of the other house, the Protectors party standing for the powers, given by the Petition and advice, and the rest of the house withstood it as of no value being obtained by force, by which force also thirteen hundred thousand pounds a year was settled for

for ever upon the single person : and the ruling members of the other house, being a hotch potch or medley of Officers of the Army, and Protectorian Courtiers, contrary to the law of the land, and to the enslaving of the people. By this means nothing being done herein as to the powers, the *Cromwellians*, that they might enforce something, propose the question of transacting with the persons sitting in the other house as an house of Parliament, urging both law and necessity for the same, yea threatening force from the Army upon refusal ; notwithstanding all which a whole fortnight the honest party of the House thought of nothing less, asserting the undoubted Right of the antient Peers, and denying all the rest, but seeing nothing could be done till this was over, in a very full house they came at last to this well qualified resolve.

The other house debated.

Resolved.

That this House will transact with the Persons now sitting in the other house, as an house of Parliament, during this present Parliament. And that it is not hereby intended to exclude such Peers as have been faithfull to the Parliament, from their priviledge of being duly summoned to be Members of that house.

Herein may be seen something of the old English gallantry, for in this vote those in the other House are not owned as Lords, (but called the Persons now sitting in the other House as an house of Parliament) nei-

Not owned as Lords.

ther would the Commons treat and confer with them in the usuall way, as with the house of Peers, but found out a new word (to transact) and that neither but upon tryall, *Viz.* during this present Parliament. And the better and more legally to curbe them if they should begin to grow imperious, they inserted the priviledge of the antient Peers as a good reserve, concluding also to receive no message from them, but by some of their own number.

The intent of that Parliament.

Committee of inspections report.

During this time, they had under consideration severall good Acts about the Militia, against Excise, concerning Customes, &c. and questioned divers illegall imprisonments, calling some Jaylors to the Bar, and preparing a strict bill to prevent the unlawfull sending Freeborn Englishmen against their wills to be slaves in forreign Plantations; They also examined severall grievances, by the Farmers of the Excise, Major Generalls, and tyrannicall, and exorbitant Courts of Justice. The Committee of Inspections having by this time brought in their report by which it did appear, that the yearly incomes of *England*, *Scotland*, and *Ireland*, came to Eighteen hundred sixty eight thousand seven hundred and seventeen pounds, and the yearly Issues to, Two Millions, two hundred and one thousand, five hundred and forty pounds. So that, Three hundred, thirty two thousand eight hundred twenty three pounds of debt incurred yearly by the ill management of double the renew that ever any King of *England* enjoyed: And to maintain the unjust conquest of *Scotland* cost us yearly, One hundred sixty three thousand six hundred and nineteen pounds more than the renew of it yields.

At these proceedings the Protector and the Army, who

who were already jealous of one another, grew both suspicious of the Parliament, because the people begin to speake as if they expected great good from the issue of their Counsells, therefore the Army, (least they should come too late) put in for to get the power into their hands, and according to the method used by them in like cases, erect a Generall Council of Officers who daily meet at *wallinsford-house*, which the Protector hearing, endeavours to countermine at *Whitehall*; but they, better skilled in their work than he was, conclude a representation, which is with speed both drawn and presented to him about the seventh of *Aprill*, a copy whereof the next day after is sent enclosed by him in a Letter to the Speaker of the House: who hereupon takes the Alarm, and while the Protector thinks to secure himself by standing on his guard, they not fearing the menaces of the Souldiers, but resolving to behave themselves like true Englishmen, on *Munday* the 18th. of *Aprill* passed these votes following.

Divisions
between
the Pro-
tektor
Parlia-
ment and
Army.

Resolved,

That during the sitting of the Parliament, there should be no generall Concill or meeting of the Officers of the Army without direction, leave and Authority of his Highness the Lord Protector, and both houses of Parliament.

Resolved,

That no person shall have and continue any command, or trust in any of the Armies,

or

*The History of Independency. Part IV.
or Navies of England, Scotland, or Ireland,
or any the Dominions and Territories there-
to belonging, who shall refuse to subscribe.
That he will not disturbe or interrupt the free
meeting in Parliament, of any the members
of either house of Parliament, or their free-
dom in their debates and Counsells.*

Now that this bitter pill might be the easier swallowed, knowing, or at least believing that want of money was the thing that pinched in chief as to the private Souldier, (without whom the Officer was worthless) they passed a vote to take into consideration how to satisfie the Arrears of the Army, and provide present pay for them, and also to prepare an Act of Indemnity for them. But all this tended nothing to satisfaction, for the Souldier being through Levened with the wicked designs of their Officers, did nothing but murmur, especially since the Protector in pursuance of the votes of the house had forbidden the meetings of the Officers; so that now the animosities grew so high, that guards were kept night and day by one against the other, in which divided posture the management of affairs, continued till *Friday the 22. of April*, on which day early in the Morning, *Fleetwood, Desborough*, and the rest of the Mutinous Officers, with the greatest part of the Army at their beck, the *Cromwellian* party not daring to stir, got the supereminency, and forced young *Richard* to consent to a commission and Proclamation ready prepared, thereby giving power to certain therein named to dissolve the Parliament, although he had with
much

*Dicks
Parlia-
ment dis-
solved.*

much serious earnestness protested and promised, rather to dye than be guilty of so pusillanimous an act, which he was well assured would work for his confusion. But *adum est*, for the same day the black rod was sent twice to the house of Commons to go to the other house, which they refused and scorned, but understanding there were guards of horse and foot in the Pallace yard, after some ebullient motions, without resolving any question, they adjourned till *Munday* morning, the five and twenty of *April*, and with much courage and resolution attended the Speaker in order through *westminster-Hall* to his Coach, even in the face of the Souldiery.

The Army having thus for the present missed their design, resolve no longer to dally; whereupon they, lay aside their new Mr. *Richard*, and all the Officers, great and small with one consent, take the Government into their own hands, having shut up the house of Commons door, whither when the Members came on *Munday*, entrance was denyed them by the Souldiers, who had possessed themselves of the Court of requests and all avenues in all places, giving no other account to the Members than this, *Viz.* They must sit no more.

The next meeting of Officers new modelleth themselves, some they catheire as *whaly, Ingoldsby, Goffe, &c.* others they re-admit, as *Lambert, Haselrig, Okey*, and others, in which time not knowing how to behave themselves in such a condition, and weary of the perpetuall toyle they foresaw, they must still with ceasing undergo; they mean to cast the burthen off from their own shoulders, and to that purpose they send to some of their old hackney drudges of the long Parliament, (as they then did call it) at that time about *London*, The Ar.
my re-
model-
led.
The
Rump
comes in. whose

whose consciences they knew would digest any thing, and did not care how, *per fas aut nefas*, so they might again be suffered to sit, with severall of these, I say, upon the fifth and sixth dayes of *May* they had conference, the last of which was at their never failing Speakers, the Master of the Rowles house in *Chancery-Lane*, where both Officers of the Army, and pretended Members, to the number of twenty solicited *William Lenthall* Esquire to sit Speaker again, but he objected diverse scruples in judgment and conscience: (But O how soon had the sweet ambition of domineering obliterated all such idle fancies?) yet nevertheless instantly fifteen Articles being agreed upon among themselves, they conclude to meet in the house on *Saturday* the 7th. day of *May*, and the better to compass their ends by a base and clandestine surprize, they gave out that they would not sit till *Tuesday* the tenth of *May*, yet surreptitiously, as I say, they met early on *Saturday* in the painted Chamber at *Westminster* and wanting of their number to make up a house, they sent for those two debauched lustfull Devills, the Lord *Munson*, and *Harry Martin* out of prison, where they were in Execution for debt, with *Whitlock*, and *Lisle* of the Chancery Court, making in all forty two, the Chancery Mace also for haist being carried before them, *William Lenthall* Esq. their tender conscienc'd Speaker, together with the said

Names of the Rumpers.
L. Munson.
Henry Martin.
Mr. whitlock.
Mr. Lisle.
Mr. Thomas Chaloner.
Alderman Atkins

Alderman Penington.
Thomas Scot.
Cornelius Holland.
Sir Henry Vane.
Mr. Prideaux Att. Ge
Sir James Harrington.
L. G.

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L. G. Ludlow.	Mr. Downes.
Michael Oldsworth.	Mr. Dove.
Sir Arthur Haselrig.	Mr. John Lenthall.
Mr. Jones.	Mr. Saloway.
Col. Purefoy.	Mr. John Corbet.
Col. White.	Mr. Walton.
Harry Nevill.	Gilbert Willington.
Mr. Say.	Mr. Gold.
Mr. Blagrove.	Col. Sydenham.
Col. Bennet	Col. Bingham.
M. Brewster.	Col. Ayre.
Sergeant Wilde.	Mr. Smith.
John Goodwin.	Col. Ingoldsby.
Mr. Nich. Lechmore.	And Lieutenant Generall
Augustine Skinner.	Fleetwood.

Stole on a sudden into the house, the invitation of the Army for sitting of the long Parliament being first published in *westminster-Hall*.

Upon notice of this surprise of the house by so few, there being more than double the like number of members of the same Parliament there, and about town, some of them at the same instant in the Hall, they to prevent future mischief, (whereof this packing of Parliament men was an ill Omen) to the number of fourteen, went immediately into the Lobby, and the persons that did so were these, *Viz.*

Mr. Ansley.	Mr. Gewen.	Secluded. mem- bers.
Sr. George Booth.	Mr. Evelin.	
Mr. James Harbet.	Mr. Knightly.	G But
Mr. Prinne.	Mr. Clive.	
Mr. George Montague.	Mr. Hungerford.	
Sir John Evelin.	Mr. Harbey.	
Mr. John Harbert.	Mr. Pecke.	

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But as soon as they came near the door, they were not suffered by the Officers of the Army to go into the house, though they disputed their privilege of sitting, (if the Parliament were not dissolved) but reason not prevailing, after they had thus fairly made their claim they retired, resolving to acquaint the Speaker by letter of their usage. And accordingly on *Munday* the 9th. of *May* they went to *Westminster*, where the guards being not yet come, Mr. *Ansley*, Mr. *Prinne*, and Mr. *Hungerford*, went freely into the house, receiving the Declaration of the 7th. of *May* at the door, But Mr. *Ansley* walking down into the Hall, (the house not being ready to sit) at his return was by one Capt. *Lewson* of *Goffes* Regiment and other officers denyed entrance, Mr. *Prinne* continued within and resolved so to do, since he saw there a new force upon the house, whose only staying (so guilty were the rest of their evill actions) made them loose that morning, and adjourn without the Speakers taking the chair. And to prevent his or any other honest mans coming in among them, after that they barred the door by the following Vote.

Vote a-
gainst the
excluded
mem-
bers.

Ordered.

That such persons heretofore, Members of this Parliament, as have not sate in this Parliament, since the year 1648. And have not subscribed the engagement in the Roll of engagement of this House, shall not sit in this house till further order of the Parliament.

Thus

Thus (to the grieve of all honest and true hearted Christians) the same pretended Parliament that was sitting in 1653. (till *Oliver* dissolized them) sitting again in 1659. upon a Declaration of the Army, with the same resolutions they had before, minding nothing but preferring one another, and their friends into good Offices and commands, and Counsellors places, as appear by their Vote of the 29th. of *May*, *Viz.*

The
good old
cause
what.

The Parliament doth declare, that all such as shall be employed in any place of trust or power in the Common-wealth, be able for the discharge of such trust, and that they be persons fearing God, and that have given testimony to all the people of God, and of their faithfulness to this Common-wealth, according to the Declaration of Parliament of the 7th. of May.

Now who they mean by persons fearing God in their canting language, by their very next work you shall see, which is the nominating a Councill of State, into whose hands is given the dispose of all places of trust and profit, yea and the command of the wealth of the Kingdom; those of the house are as follow.

Sir *Arthur Haselrig.*

Sir *Henry Vane.*

Ludlow.

Jo. Jones.

Sydenham.

Scot.

Saloway.

Fleetwood.

Councill
of State
nominated.

Sir James Harrington.
Col. Walton.
Nevill.
Chaloner.
Downes.
Whitlock.
Harb. Morley.

Sydney.
Col. Thomson.
Col. Dixwell.
Mr. Reynolds.
Oliver St. Johns.
Mr. Wallop.

Of Persons without the house Ten. *Viz.*

John. Bradshaw.
Col. Lambert.
Desborow.
Fairfax.
Berry.

Sir Anthony Ashley-Cooper.
Sir Horatio Townsend.
Sir Robert Hoxwood.
Sir Archibald Johnson.
And Josia Berners.

Who under the mask of the good old cause began now to act as high villains as ever before ; having forgotten how justly they formerly had been laid aside, but they are like the dog that returns to his vomit, and with the sow that is washed, to her wallowing in the mire.

The good
old cause
what it
is.

And the better to cast a seeming gloss over the foulness of their actions, and their clandestine intrusion into the Government, they send forth a Declaration in print, the particulars whereof might very well have been here observable, if they had not already been so clearly demonstrated, by the laborious pen of learned Mr. William Primme, in his book entituled, *The Republicans good old cause stated* ; having therein so fully detected them, that there remains nothing more to be said in the same matter.

Remain.
der of
1 Crown
ands to
be sold.

And now, as if already they had not wasted enough, by exposing to sale the Kings, Queens, Princes, Nobles and

and Gentries, Lands and Goods, being very quick sighted, and of a long and large memory, whereby they knew all was not sold : therefore about the beginning of *June*, to shew us further what they meant by the good old cause, they ordered the bill for publick sales to be brought in ; A sweet act, to enrich the saints, as they in their canting language called themselves ; but their necessities (by the long deteining of the publick purse from them) being grown very pressing, and though they thought the money arising from those sales would be sure, yet for their present urgencies (not being able to stay till that could be raised) they appointed the same afternoon to consider of a more speedy way for raising money, for that was all they ever aimed at, or hoped for, and to this purpose a bill of Assessment is concluded the most fitting : And because they would leave no stone unturned, from which they might hope gain, see how ingeniously they can project, making an order to the Committee of inspection (a precious crew) to take speciall care that such persons who have assumed the titles of Honour, Dignities and precedencies heretofore conferred on them by the late King, since the same were taken away by act of this present Parliament, do pay the severall summes of money by them forfeited, and that the said Committee do also examine whether they have brought in their Patents, and to report how the said monies may be employed to the best advantage of the Commonwealth, and to offer an act to take away all honours conferred by the late Kings Son. Was there ever such a piece of unseemly inconsistency, that the Fountain of honour should be debarred of its spring by a company of peasants, whose Acts were no better than of an assembly

*Quærenda
pecunia
primum
est.*

*Honours
given by
the late
King or
his Son to
be null.*

of.

of rogues at beggars bush; but would you know why they were so much troubled; 'twas precedence that stuck in their stomachs, those noble souls went before them both in honour and honesty therefore seeing they could not hinder them from being called Lords by others, yea the generality, they lay it as a crime of pride upon them, that they did assume such titles, for which imaginary fault they must pay the summes forfeited for such insolence against their Rumpships. O this *Auri sacra fames, quid non mortalia pectora cogit*, what will it not make them do? They first must pay, then bring in their Parents, otherwise pay again: thus the Devil rangeth, fiercest, when his time is most short; for so generall was theirs hoped to be, in regard they and their Masters of the Army could not cotton together, being already alarumed from them by a petition and address, yet they grew a little more confident upon the newes of *Harry Cromwells* submission, and falling down to worship the image which they had set up, *Moncke* also having about the same time, sent them the resolutions of himself and his Army to adhere to them, as a testimony whereof he informed them of a design of an Agent from the King of Scots (as they called him) which his diligence and care in the Highlands had prevented.

These newes so animated our Juncto, that thinking all cocksure, they fall to their old Trade of raising money. First by assessments, then by continuing the Excise and Customes untill the first of *October*, and lastly by ordering the Trustees for sale of Crown Lands, forthwith to proceed to the sale of all computed within the Act for sale thereof, and that they take care of the profits arising from the same, for the use of the Common-wealth till sale thereof be made. Mo-

The Army
my fight
the Gran-
dees.

Money
matters
only ra-
ken no-
tice of.

Money being thus taken care for to be raised by all means, suddenly after by a Vote they revive the Committee for plundered Ministers (or rather for plundering ministers) that so they may also provide them of hacknies who shall infuse into the people strange Enthusiastick wayes of Government. It was not enough with *Jeroboam* to cause a generall rebellion, but with him also to uphold it, they make of the lowest and basest of the people, Priests of their high places, for whom the old way of tythes is not thought good enough, it was consulted how a more equall and comfortable maintenance might be settled on the ministry for satisfaction of the people, whom thus intending to lull asleep: they resolve to advance their own safety by colloquing with the land forces with promises of sudden pay, and strengthening the Navy by impressing Sea-men, which about this time, in *June* they were about, And lest they should be wanting to themselves in any thing, mercenary drudges of the Juncto begin to take upon them as may appear by this order.

Plundered Ministers and Tythes.

Seamen to be impressed.

22. *June*. 1659

By the Contractors for sale of Crown Lands.

Crown Lands exposed.

These are to give you notice, that Somerset-house with the Appertinances, and Hampton-Court with the parkes, &c. Thereunto belonging, are speedily to be exposed to sale, and that the Contractors intend to sit on Wednesday next the 29. instant, to take in desires of such as intend the purchase of any

any part of Somerset-House, and on VVednesday the 6th. of July, the desires of any that intend the purchase of any part of Hampton-Court, the premises are to be sold for ready money.

Will. Tayler Clark attending
the said Contractors.

Officers
bestowed
and on
whom.

Indeed the last clause for ready money was very necessary, as affairs then stood, for the Grandees at *Westminster*, having only wasted and imbezelled the rest by divisions and sharings among themselves and friends, with no advantage to the publick Exchequer, they would now seem to begin to amend, but it is according to the Proverbe like sower ale in Summer, for they intended nothing less than increasing the publick stock, but rather by augmenting and converting it to their own use, make a hoped provision against an ensuing storm, which they foresaw would ere long fall upon them without any means of prevention: yet resolving to share the spoil as long as they could, at *Midsummer*, they re-made their everlasting Speaker, *Custos rotularum*, of *Oxford* and *Berkshires*. And that worshipfull Judas, Sir *H. Mildmay*, *Custos rotularum* for *Essex*, with severall other the like places to diverse of their leading members, as the Government of *Jersey* to Col. *Mason*, and severall Regiments in *Ireland* to Col. *Cooper*, Col. *Zankey*, Col. *Sadler*, and Col. *Laurence*.

H. Cro
well
leaves
Ireland.

Having proceeded on thus far succesfully, they now begin to clap their wings as invincible, *Ireland* being de-

delivered up wholly and quietly into their power by that pitifull cowardly Impe *H. Cromwell* who had already attended their pleasure at the Commons bar, for which good service they stroaked him on the head, told him he was a good boy, for which kindness he buffed his hand, made a leg and *Exit*.

But leave we him to stupid folly, and let us see what rates Crown land bears, the Contractors lately were very busie, and behold the product.

June. 29. 1659.

By the Trustees and Contractors appointed by Act of Parliament, for sale of the Castles, parkes, &c. exempted from sale by a former Act.

These are to give notice, that there are Competitors for the purchase of Somerset-House, with the Appurtenances in the Strand, Middlesex, which therefore is to be exposed to sale for ready money, by the box to be opened on Friday, the eight of July next. The annuall value being 233. l. the gross value of materials, &c. 5545. l. 1. s. 3. d. At which time such as desire to purchase the same may put in their papers with their name subscribed into the box aforesaid at VVorchester-
H House

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House, conteining how many years purchase, (not under 13.) they will give for the annuall value, &c. and he that offers most is to have the purchase.

VVill. Tayler Clarke, &c.

At the same time they appointed to sell ten brace of Buckes, or more out of *Hampton-Court* Parkes, and so from time to time.

Thus did they strive to make havock of whatever belonged to the King, which indeed, and no other, was the good (or rather cursed) old cause that these miscreants so lustily fought for, and so loudly cryed up.

And now, lest they should seem ingratefull to *Richard Cromwell*, who had so tamely left the chair of State to these Mountebanks to sit in: they vote him an exemption from all arrests, for any debt whatsoever, for six moneths, and appoint a Committee to examine what was due, for mourning for the late Lord Generall *Cromwell*, and to consider how it may be paid for, without charge to the Common-wealth.

R. Cromwell protected.

Kind Gentlemen surely they are, they take all he hath from him, and then allow him a pension; they rob him of a pound and give him a farthing, not a feather of his own bird, and well so too: for his ambitious stepping into the royall seat, deserved a greater punishment, which 'twas a wonder how he escaped, since Usurpation and Tyranny in different hands are generally vehement scourges to each other, and alwayes torments to themselves; as will appear by the sequel.

For

For these godly great ones, being now newly warm in their fears, begin (as of old) to dream of Jealousies and fears: Plots, Plots, nothing but Cavaleer plots rings either in their ears or mouths: if two Gentlemen do but meet accidentally in the Street, and talk together, straight there is a confederacy, and they must be committed to prison for doing nothing, so that we might say with that Noble Romane Cicero, *Circumspice omnia membra Reipublica, quae nobilissima sunt: nullum reperitur profecto quod non fractum, debilitatumve sit. Orem miseram! dominum ferre non potuimus, conservis vero jam servimus.* A sad cause of complaint, to live in such a slavery; but our Taskmasters would fain seem mercifull, witness their Act of Indemnity, which came out in print about July, wherein they except none from pardon but only such whose consciences are not large enough to approve of open Rebellion, as the last clause of their said mock-Act will shew, wherein all are debarred the benefit of the same, even from sixteen years, of age, unless they subscribe against a single person, Kingship or house of Peers; all sins can be digested by these fellowes, except lawfull obedience to magistracy, which they so abominate that all persons that are tainted therewith must not only depart out of London, but out of England, in either whereof if they be taken, they shall be proceeded against as Traytors: and all persons are impowred to take and apprehend them, for encouragement of which roguery every one that discovers, or takes such a person was to have ten pounds from the Councill of State; Surely they are in a great fear, else what should they make all this noise, and bustle so furiously on a sudden, to settle and raise a new militia, but *latet anguis in herba*, for now (it being

New
plots and
jealousies.

Act of indemnity
pardons
all but
Cavaliers.

the Dog-dayes) the house grew so hot, that diverse members withdrew, whereby the rest in regard of their fewness, being become incapable to act, because not enough to make up a house, according to their own phantasticall modell, on Friday 22. of July did Resolve.

Members
to attend.

That the Members of Parliament, who have had Letters to attend the service of the Parliament, or have actually attended since the 7th. of May, 1649. be hereby enjoined to give their attendance in Parliament every Morning at eight of the clock, for fourteen dayes, and if employed by Parliament, within a fourtnight.

Alas, poor men, the harvest truly was great, but the labourers few; therefore it was time to call for more help, for which now they are so put to it, that they hardly know which way to turn themselves: they complain of designs, & of buying up of Armes to disturbe the peace, which made a great one among them say, this restless Spirit of the common Enemy should excite the friends of the Common-wealth to diligence and to study unity, that advantage may not be given by divisions, but that we may be all of one Spirit to uphold and promote the common cause that hath been contended for. And the better to colour their villanies (according to their usuall custome in like cases when they had mischief to do) they set apart a day of fasting and humiliation; and to shew that they were the same men and of the same (if not worse) mind than formerly for rapine and blood, they pro-

A fasting
day set a
part for
mischief.

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proclaim *J. Mordant* Esquire, with severall others traytors; and order the *Lady Howard*, *Sr. E. Byron*, and *Mr. Sumner*, to be brought to a speedy triall, for dangerous and trayterous designes, of bringing this Nation into blood and confusion again: that is for endeavouring to restore his Sacred Majesty to his lawfull birth-right and dominions, for which the whole current of the law is constant encourager, although these mens effrontery is such, that they dare say any thing by an infallible Spirit as they imagine, and the World is bound to believe them. But their vizor being now ready to fall off, and the people not willing to be any longer blinded, begin to move in most parts of *England*, which *so* made the Phazatick faction, that they seaze upon persons, horses, and armes all about *London*, increase and double their guards, stop passengers, even on the Road, the Councill of State (so called) sits night and day without intermission, whereby the City militia and all the forces throughout *England* were drawn into a body to prevent the danger. Yea so generall was the fear that they begin to court the people in their canting way.

Commons.

And because you shall see their desperate fear of, and divellish malice to, the King and his Friends, take the words of one of themselves as they pass, *Viz. The Lord stir up the hearts of his people to prayer and sincere* *humiliation, and fill them with unanimity and courage in this evill time, and make the People to see, that whatever fair pretences may be made use of by the common Enemy, to get power into their hands, yet should they prevail, no man that hath been of a party against them heretofore, yea no man that hath been a meer Neuter, but must expect that his private Estate, as well as the publick Liberty, shall become a*

A canting

prey

prey to a desperate crew of ravenous and unreasonable men : for (saith he) like an irreverent Villain) let but CHALES STUART get in, and then to satisfy the rabble of followers, and the payment of forreyuers to enslave you, you shall soon see them entailed upon your selves and your Posterity, to maintain the pompe and pride of a luxurious Court, and an absolute Tyranny. Thus far he, which how much truth, yea or but probability thereof is therein ; I dare appeal to the greatest Enthusiast among their whole gange: for if there were nothing in it else but the rayling (besides all the falsity and Scandall) it were sufficient to convince the Speaker to be a Son of Beliall, as having so far forgotten grace, and laid a side all honesty, that he durst rail against the Lords anointed, concerning whom the Scripture forbiddeth to have an evil thought, but tis the custom of rebels to go on from bad to worse, and when they have once drawn the sword against their Prince, to throw away the scabbard, and never entertain a thought of return or repentance, like the bold Usurper in the Poet.

*The more we are opposed the more wee'le spread,
And make our foes our suell: To le head
Wee'l, cut off any member, and condemn
Vertue of folly for a Diadem.
Banish Religion, &c.*

The use
of the
Juncto's
fasting.

And such was their practice, though sometimes (especially when encompassed with dangers) they hang their head like a bull rush, and even but mock God with a fast, while they only pray to be prosperous in their villany

About this time, the whole Nation of England began

gan to grow sick of the abhorred fag end of a Parliament, endeavouring to make head against them in *Kent, Sussex, Surrey, Hartford, Hereford, Gloucester, Bristol*, in *Cheshire* especially, where many of the Gentry were actually engaged, correspondence maintained, ^{England} a rendezvous appointed, and the antient City of *Chester* ^{sick of the Rump.} surpris'd: this indeed was the most formidable appearance in all *England*, for the only appealing whereof most of the County forces in those parts, and several Regiments of the Army from *London*, did speedily march under the command of a hot-spur zealot, Mr. *G. Lambert*, whose ambition made old Noll lay him aside as dangerous, and that dishonourable discarding, created him a desperate Enemy to the *Cromwellian* name and family, which made the Juncto think him the fitter man for their service, Sir *G. B.* appeared commander in chief in *Cheshire*, though many other ^{A rising} Noble Gentlemen, were present, so that this seem'd ^{in Cheshire} to be the most likely place for Action. *Lambert* according to Order being upon his march thither, with three Regiments of horse, and three Regiments of Foot, and one Regiment of Dragoones, besides a train of Artillery: and the Juncto for his encouragement shot a paper gun (by them call'd a Proclamation) after him against *Sir George Booth, Sir Thomas Middleton, Randolph Egerton*, proclaiming them and their adherents to be Rebels and Traytors, and all else that should any way assist, abet or conceal the carrying on of their design; backed thus he marcheth furiously, and in a fournight or three weekes time draweth neer to *Cheshire*, in the mean and during his absence, the congregated Churches of Schismatics and Sectaries in and about *London*, raise three Regiments for the security of those parts, in the inter-

valls

prey to a desperate crew of ravenous and unreasonable men : for (saith he) like an irreverent Villain let but CHALES STUART get in , and then to satisfie the rable of followers, and the payment of forreyners to enslave you, you shall soen see them entailed upon your selves and your Posterity, to maintain the pompe and pride of a luxurious Court, and an absolute Tyranny. Thus far he, which how much truth, yea or but probability thereof is therein ; I dare appeal to the greatest Enthusiast among their whole gange: for if there were nothing in it else but the rayling (besides all the falsity and Scandall) it were sufficient to convince the Speaker to be a Son of Beliall, as having so far forgotten grace, and laid aside all honesty, that he durst rail against the Lords anointed, concerning whom the Scripture forbiddeth to have an evill thought, but tis the custom of rebels to go on from bad to worse; and when they have once drawn the sword against their Prince, to throw away the scabbard, and never entertain a thought of return or repentance, like the bold Usurper in the Poet.

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And such was their practice, though sometimes (especially when encompassed with dangers) they hang their head like a bull rush, and even but mock God with a fast, while they only pray to be prosperous in their villany

About this time, the whole Nation of England began

gan to grow sick of the abhorred fag end of a Parliament, endeavouring to make head against them in *Kent, Suffex, Surrey, Hartford, Hereford, Gloucester, Bristol, in Cheshire* especially, where many of the Gentry were actually engaged, correspondence maintained, ^{England} a rendezvous appointed, and the antient City of *Chester* ^{sick of the Rump.} surprised: this indeed was the most formidable appearance in all *England*, for the only appeasing whereof most of the County forces in those parts, and several Regiments of the Army from *London*, did speedily march under the command of a hot-spur zealot, Mr. *G. Lambert*, whose ambition made old Noll lay him aside as dangerous, and that dishonourable discarding, created him a desperate Enemy to the *Cromwellian* name and family, which made the Juncto think him the fitter man for their service, Sir *G. B.* appeared commander in chief in *Cheshire*, though many other Noble Gentlemen, were present, so that this seemed to be the most likely place for Action. *Lambert* according to Order being upon his march thither, with three Regiments of horse, and three Regiments of Foot, and one Regiment of Dragoones, besides a train of Artillery: and the Juncto for his encouragement shot a paper gun (by them called a Proclamation) after him against Sir *George Booth*, Sir *Thomas Middleton*, *Randolph Eger-ton*, proclaiming them and their adherents to be Rebels and Traytors, and all else that should any way assist, abet or conceal the carrying on of their design; backed thus he marcheth furiously, and in a fortnight or three weekes time draweth neer to *Cheshire*, in the mean and during his absence, the congregated Churches of Schismatics and Sectaries in and about *London*, raise three Regiments for the security of those parts, in the inter-

Arising
in
Cheshire
by Sir
G. B.

valls

valls of which time, Sir *George Booths* Declaration came out in print, the contents whereof was setting forth how the *Westminster* Statesmen had violated all lawes of God and Men; that the defence of the lawes and liberties was the chief things he and his aimed at, which would never by these self seekers be settled, and therefore desired a new free Parliament. This, as it carried nothing in it but what was really true, so it gave very great satisfaction to all understanding people, though by the Phanatick rout it was descanted upon otherwise: but Gods time was not yet come, for *Lambert* no sooner arrived with his Army neer Sir *George Booth*, and his forces, but he fell on them with valour and violence, which produced a very sharp engagement, but the Country not being acquainted, nor used to such hot & furious work quickly yielded ground: *Sr. Georges* whole body being afterwards drawn forth neer *Northwich*, and possessed of the bridge, they drew up their foot in the meadows, yet *Lamberts* Men being commanded to attempt the pass, did it with such resolution that they soon beat the Enemy from them, and made way for the whole Army, who having passed the river immediately gave them a totall rout.

The newes of this victory so fished our bloodhounds, that they began to boast above measure, vaunting the Lords mercy to them (his own people forsooth) but Justice to their adversaries in so apparently blasting their Trayterous undertakings in every corner of the land; like the turkes, reckoning the goodness of their cause by the keenness of their sword, and denying that anything may properly be called *Nefas*, if it can but win the Epithete of *Prosperum*.

The Juncto upon this, set forth a Declaration to invite

Sir G. B.
arrived.

Their
maxime
to make
good
their
cause.

vite all the people to thanksgiving, for this great deliverance to the Parliament, and Common-wealth, (as they stiled themselves): but *Lambert* intends to make use of his success against the loyall party for himself, and to that end in a seeming, slighting and neglect of himself, writes to the Parliament his Souldiers merits, with whom (the sooner to endear them) he is more than usually familiar: and the Parliament have no sooner voted him 1000 l. to buy him a Jewell, as a mark of their favour, but he presently distributes it among his Souldiers, endeavouring by that and all other means to engage them wholly to himself, so as to venture in one bottom with him; he yet carried himself so, that his ambitious design was not discovered, and that he might the better conceal: at this time Sir *George Booth*, who had fled from the battle, at *Northwich* in *Cheshire*, was taken at *Newport-Pannel* in disguise; upon notice whereof, he is committed close prisoner to the *Tower of London*. for high Treason, in levying warr against the Parliament, and Common-wealth, and that a Committee be appointed on purpose to examine him, all which was done accordingly, and Sir *Henry Vane*, and Sir *Arthur Haselrig*, (two Saints of the Divells last edition) went to him to take his examination.

*Lamberts
policy.*

*Sir G. B.
taken.*

While things are thus in handling here, *Lambert* seeks cunningly to get all the strength of those Counties into his own hands, which the Parliament at his request grant him, by giving him power to seize all armes for their use (as he pretended) in the same: of which piece of service they seemed to be very glad as also of letters that came out of *Scotland*, assuring Generall *Monkes* fidelity to them against the interest of the *Stuarts*, or any other whatsoever, so that now they be-

*Arriall of
the royall
family.*

gan to descant on the late design, laying all the blame on the loyall party, whose game they said it was, though he least appeared in it, taking occasion also from thence to blast the royall family with hellish scandalls: the safety of which the divine providence hath alwayes had a particular and peculiar care of, but as it were in despite of Heaven, they are not content with all their former wickednesses of banishing, exiling, and railing against their lawfull Sovereign, but now they will enforce all to renounce him, which in *September* they Resolved in these words.

*Oath of
abjurati-
on.*

J. A. B. Do hereby declare, that I renounce the pretended title of CHARLS STUART, and the whole line of the late King James, and of every other person, as a single person, pretending to the Government of these Nations, of England, Scotland, and Ireland, and the Dominions and Territories thereunto belonging. And that I will by the grace and assistance of Almighty God be true, faithfull, and constant to this Common-wealth against any King, single person, and house of Peers, and every of them, and hereunto I subscribe my name.

Thus may every one see, that it was not to amend or reform any errors in the State, but only their particular malice to the Royall line and covetousness after their

their Estate, that made them run into such desperate designs, wherein having so deeply engaged themselves, that there was no going back, they mean to make all sure to their interest: and to that end take into debate in the beginning of *September*, the matter of the Government, and referred it to a Committee upon the votes in 1648. To prepare something in order to the settlement of the Government, on or before the tenth of *October*.

The blindness of the Juncto.

See here the indiscretion of these men, after a ten years unsettlement and bringing all into confusion, in all which time they have minded nothing but their own private wealth, and till this last minute of time have not so much as thought of resettling; and that they now have, is so weakly, that it tends no further than to an offer: thus running willingly into one crime, they daily perpetrate new ones without any sense of evil, or will of amending, attributing the guilt of their faults to all that endeavour either to reform or punish them.

The business of *Cheshire* thus blown over, and the great hopes that were grounded thereon blasted; the *Juncto* fall to their old humour of raising money, no less will serve their turn than 100000. l. a moneth, besides Excise and Customes, together with the hoped benefit that would arise from the sequestred Estates of new Delinquents; and least any thing should escape them, the 16th. of *September* they vote.

Arres and excise confirmed, new delinquents made and militia arrears collected.

That such persons as have been assessed to find horses and Armes, by vertue of the Act of Parliament, for setting the Militia, and have not brought in their horses and Armes,

nor paid in lieu thereof the *summ* of money, appointed by the said Act. That every such person and persons do under the penalty in the said Act mentioned pay, after the rate of ten pounds for an horse and Armes for such number of horses and Armes respectively as they have been charged to find.

Resolved.

That such person and persons as have been assessed to find Armes for a foot Souldier, and have not sent in the same, or money in lieu thereof, do under the penalties in the said Act mentioned pay, respectively for every such foot Armes, such *summ* of money as the Commissioners shall appoint, not exceeding twenty five Shillings for every such foot Armes.

'Tis no matter, you see, by this, whether any Horse or Armes be brought in at all, so that the money be paid, Oh! 'Tis the money that adds Life and Legs to a decrepit and dying old cause: The Grandees would never take so much pains, unless an extraordinary profit also waited thereon; which they resolve to compass, though with the extreamest hazards, whereof there began to be some kind of an appearance, by the growing of heart-burnings, and multiplying fears and jealousies
be-

between their late great Champion *Lambert* and themselves, the sparks of which animosities growing into a flame, quickly increased to that height, that not daring to trust him any longer with the Army, they send a seeming courteous Letter to invite him home; which he, taking no notice of any thing further than the pretended outside fair shew, accepts of; and on the 20th. of September returns accordingly to *London*, but immediately before his arrivall there, the Juncto, to shew the great charity, wherewith they abounded, took into consideration how to cozen the poor Knights of *Windsor*, and to ingross into their hands all Hospitals and their revenues, by these two following votes. *Viz. Tuesday September 20th. 1659.*

The Juncto grow suspicious of Lambert.

He comes to London.

Resolved,

That it be referred to a Committee, to look into the revenue for maintenance of the poor Knights of Windsor, to examine what the same at present is, and will be for the future, after Leases expired, and to see that the charitable uses, to which the said revenue was granted, be performed, and the residue to be answered, to the use of the Commonwealth, (by all means pray take a care of that) and to examine the Leases that have been made, and the fines that have been paid thereupon, and how disposed, and by what authority; with power to give reliefe and allow-

The Juncto intend to seize on all Hospitals and convert their rents.

ance

ance to the said poor Knights, and other poor people not exceeding their former allowance (Oh, take heed of too much charity!) and also to take a Catalogue of all Hospitalls within this Common-wealth, and the revenewes of them (they are sure to mind that.) And that the Masters and Governours do return to this Committee, the constitution of the respective hospitalls, and how the profits thereof have been, and are disposed of, and by what authority, before the first of December, 1659. And to report the whole matter to the house.

Ordered,

That all Masters and Governours of hospitalls, be, and are hereby prohibited to grant or renew any Leases of any Lands, Tenements and hereditaments belonging unto any of the said respective hospitalls, untill this house take further Order. Notice of which is to be given to the respective concerned persons, by the Councill of State.

See here how greedy is the zeal of these devouring Statists, which yet is clothed in the garbe of a seeming Sanctimonious care, but this hypocrisie must not go long
un-

unpunished, neither does it, for now begins to appear the result of *Lamberts* designments abroad, in a remonstrative address from the Army: at the very first newes, whereof the Parliament is so startled, that, fearing to be whipped with their own rod, they ordered, Col. *Ashefield*, Col. *Cobbet*, and Lieutenant Col. *Duckensfield*, ^{Armies remon-} (three of the chief promoters of it) to bring to them ^{strate the Juncto} the original paper, intended to be presented; upon notice of which order given, immediately, a letter was delivered into the house signed by many persons of the Army, superscribed to the said three summoned persons, by whose hands they desired the inclosed paper might be presented to the Lord *Fleetwood*, and after to the generall Council, which inclosed paper was intituled, to the supream authority of these Nations, the Parliament of the Common-wealth of *England*, The humble Petition and proposalls of the Officers under the Command of the Right Honourable the Lord *Lambert* in the late Northern expedition, the manner and method of which paper the Juncto so highly resented (as supposing it to strike at their very root) that they presently voted,

That this house doth declare, that to have observe any more Generall Officers in the Army, than this crack, are already settled by Parliament, is needles chargeable and dangerous to the Common-wealth.

Here was the first step to that division, which afterwards grew into a flame but the Army Officers finding their design, was not yet ripe enough, by a dissembled

*Thanks-
giving
dinner in
the City.*

acquiescency, seemed to lay aside their proposalls, by signifying to the Parliament, that they would adhere to their authority in opposition to the common Enemy, and that they would stand by them in the settlement of the Common-wealth, against all disturbances whatsoever, which lulled the Juncto into a kind of security, the City also at this time seeming to claw them by an invitation to a Thanksgiving dinner, whereat the field Officers of the Army were also to be present; so that now being in a manner rid of their fear, they fall upon sequestering the Gentry, about Sir George Booths business, settle the Excise, and revive the Assessments for the Militia, using all their skill and power for amassing together the wealth of the Nation into their private purses, concluding with the *Epicureans, ede, lude, bibe, post mortem nulla voluptas*, so sottishly stupid were they grown in their high flown ambition.

*Armies
new ad-
dres.*

*Juncto
angry
there
with.*

But now, lest they should forget their duty, the Officers of the Army present a new address requiring answer thereto, which made them take it into the several pieces wherein it was proposed, wherein among other things (to shew you the harmony that was then between them) they give to their third proposall this answer. *Viz.*

The Parliament declares, that every Member of the Army, as free Men of England, have a right of petitioning the Parliament, but withall thinks fit to let them know, that the Petitioners ought to be very carefull, both in the manner, and in the matter of what they

they desire, that the way of promoting and presenting the same may be peaceable, and the things petitioned for, not tending, to the disturbance of the Common-wealth, nor to the dishonour of the Parliament. And that it is the duty of petitioners to submit their desires to the Parliament, and acquiesce in the judgment thereof.

By this Declaration they intended to curb the *Walsford* party, by teaching them manners, and to know their distance; but they being Men of another spirit, and knowing they had the power of the sword in their own hands, would not be so put off: which the Juncto, perceiving, and beginning to grow jealous of their own safety, and satisfied that the Army could not subsist without money (which is the Nerve of War) to engage the People to themselves, and to dis-able the Officers from raising any money (in case they should (which they now much doubted) interrupt them in their sitting) they passed an Act against raising of monies upon the people, without their consent in Parliament. Part whereof take as followeth.

Be it enacted, &c. That all Orders, Or-
 dinances, and Acts, made by any single per-
 son and his Councill, or both, or either of
 them, or otherwise, or by any assembly or
 convention pretending to have Authority of

As a-
 gainst
 raising
 money
 without
 consent of
 Parlia-
 ment
 makes the
 Souldiery
 mad.

K

Par-

Parliament, from and after the 19th. Day of April, 1653. and before the 7th. of May, 1659. And which have not been, or shall not be enacted, allowed, or confirmed by this present Parliament be, and are hereby declared, deemed, taken and adjudged to be of no force and effect from and after the said seventh day of May 1659.

And be it further enacted, that no person, or persons, shall after the eleventh of October, 1659. Assess, Levy, Collect, gather or receive any Custom, Impost, Excise, Assessment, contribution, Tax, Tallage, or any summe or summs of money or other imposition whatsoever upon the people of this Commonwealth, without their consent in Parliament, or as by law might have been done before the third of November, 1640. And that every person offending contrary to this Act shall be, and is hereby adjudged to be guilty of high Treason; and shall forfeit and suffer as in case of high Treason.

• When the Juncto had thrown abroad this killing thunderbolt, to shew that they durst own the power which they yet conceived themselves Masters off, they took

took into consideration a Letter, dated *October* the 5th. and signed by diverse Officers of the Army, and directed to Col. *Okey*, and also a printed paper, called the humble representation and Petition of the Officers of the Army to the Parliament, &c. Upon the reading of which two papers, the house was so highly incensed and flew into such a sudden heat of passion, that without any more ado they resolved.

That the severall Commissions of, Col. *John Lambert*, Col. *John Desborow*, Col. *James Berry*, Col. *Thomas Kelsey*, Col. *Richard Ashfield*, Col. *Ralph Cobbet*, Major *Richard Creed*, Col. *William Packer*, and Col. *Rob. Barrow*, were null and void, and every of them discharged from military imployment. And that the Army should be governed by seven Commissioners, *Viz.* L. *Charles Fleetwood*, L. *G. Edm. Ludlow*, Generall *George Monck*, Sir *Arthur Haslebrig Barroner*, Col. *Valentine Walton*, Col. *Harb. Morley*, and Col. *Robert Overton*, or any three or more of them, which said Commissioners, were to give notice to the said nine Officers of the discharge of their Commissions, which being accordingly communicated, now might you have seen the smoking embers of dissembled friendship, break out into an open flame of violent enmity, this great and so long domineering faction, being divided in it self, and each side preparing for its own, both defence, and elevation, for now a *Quorum* of the Commissioners which were appointed to govern the army, being gotten together, and sitting all night in the Speakers chamber, which was within the Parliament house, to issue forth orders; part of the army with most of the discharged Principall Officers presently drew down to *Westminster* in a warlike order,

9. great Officers displaced and voted out of commission.

Commissioners to govern the Army.

The feud betwixt the rump and the Souldiery breaks out.

where they possessed themselves of the great Hall, the Palace yard, and all avenues, and passages leading thereunto, having before given out, that they found it absolutely necessary for the good of the Nation, to break up this Parliament, for the maintaining whereof another part of the army were as active in drawing together, the same night also marching down to *Westminster*, and planting themselves in *Kingstreet*, and in and about the *Abbey Church* and *Yard*: This unusuall assembly at such an unaccustomed hour caused a generall terrour in the hearts and minds of the Inhabitants, who dreaded some greater mischief than they were sensible of, but the night being past, in the morning the Speaker Mr. *W. Lenthall*, at his usuall time came along *Kingstreet*, and had passage through the ranks of Souldiers, till he came to the new Palace gate, where his Coach was stopped, and himself compelled to return home, as wise as he went, whereby the house was interrupted from sitting; which was the chief thing that *Lambert* aimed at; yet though he had thus wrought his purpose, he durst not withdraw, but make good his station against the other faction, the greatest part of the day, each of the Phana-tick leaders (for so indeed they were both) expecting who should give the first blow, of which meekness the then council of State taking notice, required both to draw off to their quarters, which motion was willingly accepted on all hands, and so both sides marched away.

The Rump
turned out
of doors.

observe.

Thus have we seen that rump of pretended authority, which in *May* was, with much solliciting, many intreaties, and nor a few specious pretences, courted to come into play, now again in *October*, with as great scorn.

scorn and malice laid a side and trampled on: *Nec lex est justior ulla, quam necis artifices arte perire sua*, It hath been a generall Observation, that Treason is alwayes the greatest punishment to it self, like the Viper, it breeds young with her own destruction, and as the Poet speaketh of envy, *fit licet injustus livor*, so may I say of it, though it be unjust to others, yet is it very just, to destroy them first that would destroy others.

The Council of Officers having thus seized the Government into their hands, played with it for certain dayes, till (with the old Philosopher, in the question about God) finding, the more they studyed, the less they understood, and that they were led by an *Ignis fatuus*, which only trained them to the sight, but would never bring them to the certainty, of a settlement, and pondering their own many weaknesses, and infirmities, with the exigency of affairs, they fell into consideration of what was fit to be done: In the debate whereof, after many frivolous essayes, they agreed at length among themselves to nominate some persons to be a Council of State, which device being applauded, and a new name devised for them (for they will be called forsooth the Committee of safety) *They erect a Committee of safety, their names and characters.* these following persons were pitch'd upon, *Viz.* Fleetwood, whose folly would have exempted, but they were affraid he would have cryed. Knowing also that the best play ever hath a fool in it.

Lambert a seeming Saint, but chief Engenier of the modell.

Desborow a drunken Clown, skill'd in Harrassing the land steel, once a sneaking petty fogger, now Lord Chancellour of *Ireland*, and a Traytor.

Whitlock

The History of Independency. Part IV.

Whitlock a lump of ingratitude and deceit.

Sir Henry Vane, chief secretary to the seven deadly sins.

Ludlow, once a Gentleman, but since by himself Levelled into the plebeyan rank.

Sydenham, nothing good in him but his name.

Upstart Saloway Strickland, once a rumper, after a Lord of *Nolls* edition, then a convert to the good old cause.

Berry, *pedum nequissimus*, the wickedst villain among 10000.

Lawrence, once an upstart privy Counciller, now scarce a Gentleman.

Sir James Harrington, *Per visum multum possis cognoscere*.—

Wareston, a mickle knave geud saw Sir.

Ireton, and *Tiebhorn*, two of the City Puckfoists, who lye leger in the Common Council, to discover plots for the getting of money.

Henry Brandrith, fit for mischief, else he had not been here.

Thompson, a dull fellow, but a soaking Committeeman.

Henson, the Common-wealths upright setter.

Sniveling Col. Clarke Faction, *Col. Lilburn*, preaching, *Col. Bennet*, and *Cornelius Holland*, a most damnable Apostate, both to God and his King.

To these fellows thus slyly accourred, is the Government committed, and not only so, but they have power to call Delinquents to account, to oppose, and suppress all insurrections; to treat with forreign States, and Princes, to raise the militia's in the severall Counties. To dispose of all places of trust, with many other things,

Com safely their power.

things: by which may be seen, what an unlimited arbitrary power they assumed to themselves over the lives and estates of all Englishmen. And that all *England* might take notice hereof, they send out a Declaration in print, entitled a Declaration of the General Council of the Officers of the Army, wherein they say they have lodged the civil and executive part of Government, in the Committee of safety, whom they have obliged to prepare such a form of Government, as may best lute with a Free-State, without a single person, Kingship or house of Peers: with many equivocating, though Saint-like, expressions to the like effect, with which they hoped to delude the World, and continue their usurpation, but *Sera venit sed certa venit*. All their hypocritical shewes cannot cheat God, who raiseth up the Spirit of one among themselves to chastise the errors of their pride, and vain glorious attempts: for no sooner is that Infernall crew of Atheists met in their Committee, but they are alarmed with a letter from General *Monck* out of *Scotland*, wherein he gives them notice that both himself and some Officers of the Army in *Scotland*, were much dissatisfied in reference to the transactions of affairs in *England*, at the same time receiving intelligence that he had, seized severall strong holds, secured diverse of his dissenting Officers, and possessed himself of *Barwick*, which drove them for a time into a kind of Phanatick stupidity, that they knew not which way to move in the management of their affairs, but at last willing to preserve themselves, they order the forces in the North into a posture, and command *Lambert* with more Regiments out of the Southerly parts to joyn with them, that so they might appear formidable at least at a distance, and

*Armies
declared
en.*

*Monck
dissatisfied
with
their
proceedings.*

*Seizeth
Barwick.*

put

Lambert
marcheth
against
him.

put a stay to the violence which they foresaw was approaching to them ; for the prevention of which storm Col. *Cobbet* is sent to General *Monck* with insinuating relations , whom the Generall immediately upon his arrivall commits to custody, thereby, preserving his Army from the dangerous contrivances that Person brought along with him, and depriving of the intelligence he might have carried to *England* back with him : which being done by the power of his Commission (as one of the seven) he straight new models his Army, according to his own mind, and then declares his resolution to assert the authority of Parliament, against all violence whatsoever. Upon newes of this, our safe Committeemen, knowing the pulse of the late Juncto to beat after the mode of a free-state , think they shall merit highly at the hands of the General, if they promote that, though they disown the Parliament he pretended to declare for, and to that purpose having nominated severall Gallant fellows of their own number, *Viz. Fleetwood, Vane, Ludlow, Saloway, Tichburn, Lambert, Desborow, Hemsen, Holland,* and others, to consider of, and prepare, a form of Government to be settled over the three Nations, in the way of a Free-State and Common-wealth, they send away *Whalley, Goffe, Caryl,* and *Barker*, to shew the same to General *Monck*, and thereupon to mediate with him for avoiding the effusion of blood : the Officers at *London* writing also to his Officers, and expostulating with them, touching the necessity of a brotherly union, crying out of nothing but Liberty, while the Nation groan'd under their oppression ; But *Monck* revolving with himself, both the greatness, difficulty, and hazard, of his design, concludes not to be rash in

Safe Com-
mittee for
a free-
state.

a direct quarrel, but rather by procrastinations to weaken the force of his enemies (which he knew could not continue long without money) and so to gain the victory without striking a blow, therefore to amuse them, and cast the more seeming gloss upon his action he orders Col. *Talbot*, and Dr. *Clargies* (who were the first messengers sent to him) to send *Fleetwood* word that himself and his Officers had nominated Col. *Wilkes* L. C. *Cloberry*, and Major *Knight*, to repair speedily to *London*, and treat with the like number of Officers there, for a firm unity and peace, and the better to confirm it, he sends another Letter from himself to the same purpose, with promise that his forces should advance no further. But the Committee of safety, willing by strength to hold what they had got, and not knowing what to think of the Generall, issue out many severall Commissions to raise forces throughout all *England*, to anticipate him, and to settle Militia's to be ready in a moment, as it were to resist him: which he hearing, and that *Lambert* was coming against him with thirteen thousand men, he according to his before mentioned Letter, forthwith sends his three appointed messengers for peace, upon whose arrivall at *Torke*, in *November*, and speech with *Lambert*, he became so farr satisfied of their intentions towards an Accommodation, that thereupon he gave order his forces should advance no further Northward in their march.

Things being brought now into this posture, the Generalls three Commissioners arrive at *London*, *November* the 12th. where the Treaty is immediately begun: which lulled the Committee of safety into such a security, that they begin to think of shareing great

L

Offices

French desires a treaty.

Militia settled.

The treaty begun.

The History of Independency. Part IV.

Offices and places of trust and profit among themselves, to this end, appointing *Fleetwood, Desborom, Sydenham, Saloway, Cornelius Holland, Col. Clark, Col. John Blackwell*, or any two of them to be Commissioners for the Treasury, and to manage the affairs of the publick revenue, with power as large as could be desired: (And would it not be well managed think you in the hands of such bankrupts) but while these men mind their own wealth only, the Treaty must not be forgotten, which was now in hand, and on a sudden brought to such an issue, that it startled the City, who had by Col. *Alured*, and Collonel *Markham* received Letters from *Scotland* of another purport, for at last the Commissioners on both sides agreed on these heads ensuing, that is to say.

The articles of the Treaty.

That the pretended Title of CHARLES STUART, or any other claiming from that family should be utterly renounced. (O horrid Treason, first murder the Father, and then abjure the Son !)

That the Government of these Nations, shall be by a free State or Common-wealth, and not by a single person, King, or house of Lords. What must the new settlement utterly abolish all the old fundamentall Laws of England at one breath? Your Precipitation bodes your ruine.

Thou

That a Godly and learned Ministry, shall be maintained and encouraged: 'Tis well the Generalls Men thought of it, for you may be assured it is against the principle of Anabaptists, and fifth-Monarchy Men;

That the Universities shall be reformed and countenanced, so, as that they may become Nurseries of Piety, and Learning. That the Officers and Souldiers, and other persons on either side be indemnified for what is past, touching their late difference, and that all unkindness betwixt them be buried in perpetuall Oblivion; pray take care of that: but it may be supposed you shall be the furthest off when you think your self neerest.

That the Officers which were made prisoners in Scotland, be forthwith set at liberty; How will the Generall like that?

That the Armies be presently disposed into quarters, and that there be a committee of nineteen whereof nine to make the Quorum, who were to meet about qualifications, for succeeding Parliaments.

This was the effect of part of the agreement, which was sent away with all speed to Generall Monk; upon knowledge whereof, and by reason, the conclusions of the said Treaty were so contrary to the Letters, by them formerly received, the City was startled, having

*The City
startle.*

(as they supposed by order) been encouraged to stand fast in their liberty for their Laws, Priviledges, Properties, and lawfull Government.

Monck
commits
one of his
Commissioners.

But the Generall in a wise foresight, and providentiall care, having cast in his mind the danger he stood in (for he had a wolfe by the ears) though he sent his Commissioners aforesaid, yet reserved to himself the ratification, so that nothing should be of force untill it were confirmed with his own seal: But now the articles of the Treaty being come to his hands, he commands the return of his Commissioners, which they obeying, he presently commits Col. *Wilks* to custody for going beyond his Commission) declareth the Treaty void, and marcheth toward the borders: which the Committee of safety being advertised off, fall to their old tricks to delude the people, endeavouring to make them believe it was only a rumour grounded on a fained Letter pretended to be by him sent to the City, whereas they seemed to be assured that he would acquiesce in the former agreement, but truth who is *filia temporis*, the daughter of time, quickly appeared to undeceive the people; for in this *interim* his excellency (having as himself expressed it a call from God and Man, to march into *England*, for resetting the Parliament) calleth an assembly of the Nobles and Gentry of *Scotland* at *Edenburgh*, to whom he proposed these three things.

He calls
an assembly
in
Scotland.

1. That they would, during his absence, which would not be long, preserve and secure the peace of that Nation.

2. That they would supply him with some men for his undertaking (which he engaged upon his honour should be to their satisfaction) and that if any troubles should

should arise, they would assist him in the suppressing thereof.

3. That they would advance and raise what money they could before hand.

To these Propositions the Earl of *Glencarn*, who was chairman of that assembly, returned these modest answers.

1. That they could not engage to preserve the peace of the Countrey in his absence, wanting armes, and so in no condition to do it, but they should with all faithfullness notwithstanding endeavour it.

2. That they were uncapable to answer his desires for the reasons aforesaid, neither did they think it prudent for them to engage in a war, which if it should prove unsuccessfull on their part, would be a ruine to them: or if successfull, they did not understand, that it would be advantagious to them in any measure. But as to the third.

3. That they were content to levy moneys, and advance a years tax aforehand.

Generall *Monck* highly satisfied with those civil returns, endeavours to caresee and indear them by.

Giving the Lords and gentry power to arme themselves, by satisfying them privately in the design of his expedition, and accepting of their years taxes..

1.
2.
3.

Hereupon he resolves now to dally no longer than his supplies of Men and money come in, in the meanwhile holding correspondence and intelligence with his friends all over *England*, from whom he anew received advertisement, that if he could yet for a litle time keep fairly at a distance, his work should be done even without any noise of drum or trumpet except it were in exultation and triumph. This advise caused him

He keeps
intelli
gence.

him to make some seeming overtures of a second treaty with *Lambert*, yet all along insisting upon the re-admission of the Parliament, before they began it.

*The Wal-
lingford
in govern-
ment.*

As a balk to which the Committee of safety declared, (hoping thereby yet to lead the Nation into further error and mischief) that they had transmitted a great part of a form of government for these Nations to a Committee of the Officers of the Army ('tis like to be well done if it must be hewen out by a dint of the sword) to be considered by them, (a mad crew of *Gotamists*) who daily meet, and are gone through a great part of it with much satisfaction, (to themselves possibly to think how finely they should Lord it, but to nobody else surely) they are very desirous to have such a Government, as may preserve the Liberties of the Nation (this is the old cheat) and secure the cause they have contended in (which is flat treason and rebellion) both against *CHARLES STUART*, and any other that may disturbe the peace: hoping in time to make it appear, that their Enemies are Liers when they traduce them and render them a people that seek only themselves. Then they conclude, that they hope the faith of Gods people will hold out and not make hast, and that good men will help them in their prayers, that God the Lord would bring forth righteousness and truth, and discover, and bring to nought the secret contrivances of all his adversaries: And so no doubt, he will to the shame and ruine of all such dissembling Hypocrites.

About this time being the later end of *November*, the People beginning to smell their knavery, drew several Petitions, with an intent to deliver them, but their crazie stomachs being not able to bear such strong Physick,

sick, belched forth a Proclamation against all such ^{Proclam} ^{as a} ^{first} ^{inscrip-} ^{tions.} Petitions, which they call undue and dangerous papers, and prohibite all persons to subscribe any such papers, and if offered to suppress them, or cause the person endeavouring to get subscriptions to be apprehended, upon penalty of being accounted disturbers to, and enemies of, the peace.

But this not working its desired effect, but rather making men the more eager, so as they began to fear tumultuous proceedings, therefore the Mayor is commanded and he accordingly sent warrants to all City Officers to charge all Masters of families to keep in their Sons and Servants: This enraged the youth of the City to such a height, that the Committee of safety fearing their own danger to arise from some disturbance there, gave order *December* the 5th. to part of the Army, both horse and foot to march into the City, which they did early in the morning; where being entred, great multitudes of all sorts of people gathered together in the Streets, the shops were shut up, and the Souldiers in all places affronted, which so madded them, that by command of their Col. *Hewson*, they fell on the people with some violence, and killed two or three persons, wherewith the multitude for the present dispersed; but began to bear a grudge, whose revenge would not be satisfied but with the ruine of their oppressours. This was the last help they had to rely on, that they would rather reduce all to a *Chaos*, than quit their hold, snatching at every the least opportunity that did but flatteringly seem to offer them an advantage: for by this, though unwillingly, foreseeing their *Carastrophe* at hand they are driven into more sad thoughts of their dissolution, by the re-

Hewson goes into London.

vol.

volt of *Portsmouth*, which *Hastlerig*, *Walton*, and *Morley*, with the consent of Col. *Wheibam*, the Governour had gained: now might any man guess their time to be short by the violent extravagancy of their actions, for *nulum violentum diuturnum*; the news of which arriving to them, they sent some horse and foot either to reduce or block up that garrison (here we see, now we see that great and divellish faction of Independency strongly divided) but soft and fair, the game goes quite contrary, as will appear afterwards.

During this dealing at *Portsmouth*, the Army Officers finding that nothing would satisfy the People, but either to re-admit the Rump Parliament or have another, they to give them hopes of a glimmering of content, Ordered.

Parliament proclaimed by Committee of safety.

That a Parliament shall be called and appointed to sit down in or before February next.

That the Parliament to be called as aforesaid, shall be according to such qualifications as are or shall be agreed upon, and may best secure the just rights, liberties, and priviledges of the people.

This must be solemnly proclaimed forsooth by their journey men of safety, together with another edict of the same stamp, commanding all honest and loyal souls out of the Cities of *London*, and *Westminster*, upon pain, of imprisonment, and to be proceeded against as traytours, and executed: By this means, they thought

thought to walk in a mist without any supervisors, but alas they were much mistaken, for though they thus cleared themselves, as they thought, from fear of the Common Enemy (as they termed all loyalists) yet they could not free themselves of their new gotten Enemies at *Portsmouth*, by whose policy they were outwitted and casheired: yet nevertheless seven principles and unalterable fundamentalls are agreed on, which were published to this effect, by these high and mighty *Johns a Leyden*.

1. That no Kingship shall be exercised in these Nations.

2. That they will not have any single person to exercise the office of chief Magistrate in these Nations.

*Wallingford 7.
principles
of Rule*

3. That an Army may be continued and maintained, and be conducted, so as it may secure the peace of these Nations, and not be disbanded, nor the conduct thereof altered but by consent of the conservatours appointed.

4. That no imposition may be upon the consciences of them that fear God.

5. That there be no house of Peers.

6. That the Legislative and Executive power be distinct, and not in the same hands.

7. That the assemblies of the Parliament shall be elected by the people of this Common-wealth, duly qualified.

Here you see the scope of these *Bedlamites*, and what a fine horch-porch they would have made, but their sport was quickly spoiled by a Declaration from Vice-admirall *Lawson* giving severall reasons of a necessity for the long Parliament to sit again, neither

*Lawson
declares.*

would any thing else satisfie him, though Sir *Henry Vane* himself with his Jesuited and poysonous breath sought to infect him.

Now also had *Hastlerig*, *Morley*, and others so be-
stirred themselves, and by their policy wrought upon the
Souldiers that were sent by the *Wallingfordians* against
them that they all came over to them, and relinquished
their pretended Masters, whose want of money (if
nothing else) would have made their cause seem bad
enough, especially since the rogue of all the King-
dom ran directly encounter to their designs, their
being motions almost in every County, some for the
Rump wholly, others for the joyning of the secluded
members to them, but most, and they the wisest, mo-
deratest, and not least considerable were for a full and
free Parliament, but Independency being not yet ar-
rived at its full period, begins first to decline by the
General advance, though in part seemingly upheld by
admitting the Rump-Parliament again into their full
power, as when they were interrupted the thirteenth of
October before going, who accordingly, on the four and
twentyeth day of *December*, were owned by all the
Souldiery, both in *England* and *Ireland*, as the suprem
authority with much solemnity, the Speaker *Lenthall*
going immediately to take care of the *Tower of Lon-
don*, the Government whereof he committed for the
time present to Sir *Anthony Ashly-Cooper*, Mr. *Weever*,
and Mr. *Berners*, and on *Munday* the 26th. of *Decem-
ber*, in the evening by twilight began to sit again, and
were as peremptorily imperious as before, command-
ing *Lambert* to *London*, whose forces were all, either
revolted away to General *Monck*, or piece-meal re-
tired into quarters for want of pay, yet notwithstanding
ing

Indepen-
dencies
first decli-
ning.

Lam-
berts Ar-
my vani-
shed.

ing all this removal of force from them, they thought not themselves secure, untill he by his authority came to awe the Souldiery, and people, who were now grown tumultuous, and as ready to throw them out of the saddle, as they had done the *Wallingford* faction.

His excellency therefore, (who could never be persuaded out of *Scotland*, since he first went thither) now layes hold on this opportunity, to do his Country service, having therefore, as is before mentioned, secured *Scotland*, he likewise deals with Sir *Charles Coot*, and others in *Ireland*, who striking a perfect harmony with him, did surprize the most eminent Phanaticks in the midst of their designs in *Dublin* Castle, and stop *Ludlow*, who was commander in chief in *Ireland*, at Sea, by this means, making all *Ireland* sure for the Parliament [for such yet was the pretence] as it was in the 12th. of *October*, 1659. This wrought so effectually, and even to such an excess of joy in the Parliament, that they not only approved of all Generall *Monkes* former actions, but ordered the hearty thanks of the house to be given to him for his fidelity, and faithfull service, and a letter of thanks to be sent to him, signed by Mr. Speaker, a proper reward surely, as if one word of their mouths were a sufficient recompence for all labours, hazards, and travels.

While they are thus minding themselves and boasting of their own strength, they receive a cooling card from some of the secluded members, who demanded to be admitted to sit, if that Parliament were not broken, which put our mushrooms Juncto into such a dump, that they were fain to pass this following Resolve.

Tuesday 27. December. 1659.

Note this. Resolved,

That on the fifth of January next, this house will take into consideration the case of all absent Members, and also how to supply the vacant places in order to the filling up of the house; and that in the mean time it be referred to a Committee, to consider of all proceedings, and all orders, and cases touching absent members, and make their report at the same time.

But this did not prove satisfactory, as they expected it should, for the City begins to grow discontent, preparing themselves for a posture of defence; In the Country the cashiered Officers, and the depressed Nobility and Gentry bestir themselves, courting his Excellency all along in his march, and echoing in his ears perpetually a free Parliament, to whom he generally gave no other answers, but that he would use his utmost interest, to persuade them to reason and Justice, in the mean time wishing them to acquiesce in what they should order; thus he marcheth with his whole Army, modelling to his own mind all Garisons and forces in his way: This and his number of men that he brought with him, being far beyond allowance, (for they ordered only three hundred) put our Rum-pers to a stand, and they could not be satisfied untill they

they send the subtlest couple in the house, *Scot and Robinson*, to sound his intention, under pretence of congratulating his coming to *England*, and complementing him, to whom he carried himself with so much gravity and reservedness, that they could not catch one dropping syllable that might betray him.

Scot and Robinson are sent to Monck.

About this time the City by their Sword-bearer, send to him, to whom he returns, that he is for the Parliament as aforesaid, yet assures them that, when he came to the City, he would satisfy their desires and hopes conceived of him, thus owning the authority then in being, he keeps close to his commission, notwithstanding all the addresses of the Countries for a free Parliament, promising nothing more but that he would see all force removed from the Parliament, 2. The House filled, and 3. That there should be good provision made for future Parliaments. Thus with a slow and orderly march, attended by the prayers and wishes of the whole Nation, he comes at length to *St. Albans*.

The City Court him.

He comes to St. Albans.

In this interval of time, the Rumpers minding to ingross the whole power, both Legislative, and Executive into their own hands, and to share all places of trust and profit among themselves: on the fifth of *January* pass this following vote.

Resolved,

*Tou*ching absent Members, that the Parliament doth adjudge and declare, that the Members who stand discharged from voting or sitting in the years 1648 and 1649. do stand duly discharged by judgment of Parliament

Observe this.

ament from sitting as Members of this Parliament, during this Parliament; and that writs do issue forth for electing of new Members in their places.

Cath of
ajm a. i.
cn.

Thus did they intend to have perpetuated themselves for their lves, and to have bequeathed their villany in succession, to such as were to be new chosen, having already concluded, that the Oath of renunciation of the title of CHARLES STUART (as these unmanly mingrels were pleased to stile their Sovereign) and the whole line of the late King James should be taken by every member that hereafter shall sit in Parliament, nay so high were they now grown, that they committed diverse for but Petitioning for a free Parliament.

M. comes
to Lon-
don.

This made his Excellency hast up to London, where his Lady and Family were come before him by Sea; into which City he comes about the beginning of February, and takes up his lodging at White-Hall, as the Parliament had appointed him (contrary to the thoughts of many) and after two or three dayes refreshment (taking no notice of his resentment of the aforesaid insolencies) he solemnly attends the house according to their order, and with much modesty gives them an account of his undertakings, refusing the chair offered him for his ease and honour, but leaning on the back of it, he delivered himself to this effect.

Goes to
the house.

His speech
then.

That he deserved not the thanks they gave him, having done no more than his duty, but wished them rather to praise God for his mercy: then he humbly desired them to satisfy the expectation of the Nation in the establishment of their laws

laws, liberties, properties, &c. God having restored them, not so much that they should seek their own, as the publick, good. He desired them in particular to take away the jealousie, men had of their perpetuity, by determining their own sessions, and providing for future Parliaments, wishing them to use the Nobility and Gentry civilly, intimating that it was their wisdom rather to enlarge, than contract their interest, he told them, that the fewer qualifications they put upon succeeding Parliaments, the better, and desired them to be tender in imposing new oaths (for he had heard of the oath of abrenunciation) alledging there was more reason to repent of those already taken, than to take new ones, so warning them to take heed of Cavaliers, and Phanaticks, he concluded, commending Scotland to their care, and assuring them of Ireland, and hinting at a Free-State.

This done, and he retired loaden with thanks, he withdrawes to his place in the Councill of State, ^{How the P. employ him.} where the first that he finds under consideration is the reducing of the City, (which to make a short digression was now grown unruly, being stily resolved to own no power, but that of a full and Free Parliament, whereto they had been encouraged by the Country in severall Declarations, but especially that of *Devonshire*, which in regard it gives the sence of all in one, and was that chiefly stuck to by the City: I shall give it you at large, as Mr. *Bamfield*, the Recorder of *Exon*, sent it to the Speaker, *January* the 14th.

The Declaration.

We the Gentry of Devon, finding ourselves without a Regular Government, after your last interruption, designed a publick meeting to consult remedies, which we could not so conveniently effect till this weeke at our general quarter Sessions, at Exon; where we found diverse of the Inhabitants groaning under high oppressions, and a general defect of trade, to the utter ruine of many, and fear of the like to others, (which is so visible in the whole Country) that it occasioned such disorders, as were no small trouble and disturbance to us, which (by Gods blessing upon our endeavours) were soon suppressed without blood: And though we find, since our last purposes, an alteration in the State of affairs, by the re-assembling you at the helme of Government, yet we conceive that we are but in part redrest of our grievances, and that the chief expedient to amend the whole, will be the recalling all those Members that were secluded in 1648. And sate before the first force upon the Parliament, and also by filling

filling up vacant places, and all to be admitted without any Oath and engagement previous to their entrance, for which things if you please to take a speedy course, we shall defend you against all opposers, and future interrupters, with our Lives and fortunes: for the accomplishment whereof we shall use all lawfull means, which we humbly conceive may best conduce to the peace and safety of this Nation.

This was signed by most of the chief gentry of the Country.

Now the City, owning the purport of this Declaration by one of their own, and refusing to pay taxes, had drawn the Councill of State to that violent ebullieny, of reducing it to a submission, which was, as I said before, the point, upon which they fell, when first General *Monck*, came first among them; for they had rather bring the whole World into a combustion than their usurped power either to equals or superiours, they were so in love with power, that they would not have left pilling, as long as there had remained any matter either to satisfy their ambition or covetousness; wherefore they resolve to drive on furiously, and therefore give order to the Generall to march into the City, with so many horse and foot, as should reduce them to anobedience, and compell them to pay the Assessment. His excellency according to their command

*Mo. goes
into the
City and
demands
taxes.*

mand, being then their servant, went to the City, and at Guildhall peremptorily demandeth, by order from the Parliament and Councell of State, the payment of their taxes: this so sudden demand, coming from him (from whom they hoped better things) and quite contrary to their expectation, drove the Citizens to such a *non-plus*, that for a time they were as extasied not knowing what to say, but at last, recollecting somewhat of an English temper, they return this answer. *That in Magna Charta confirmed by the Petition of right, and renewed by the present Parliament, a day before their forceable dissolution upon the 11 of October, they were to pay no taxes, &c. but by their consent in Parliament, which now they had not:* yet to avoid giving any offence, they desire time to consider of it, which the Generall grants, but in the mean time writes to the house to know their pleasure, to which they presently answer, that 1. he should imprison Col. Bromfield, Alderman Bludworth, L. C. Jackson, Major Cox, Col. Vincent, &c. Some of which had waited upon him from the City but a little before; 2. that he should remove their chains, dig up their posts, and break their gates.

M. his
carriage
in that ex-
igent of
affairs.

These strange orders being brought to him, did a little startle him, knowing they were sent as well to try his patience and obedience; as to breed an open enmity between him and the City, thereby to compell him to serve them perpetually, by being assured that they were mortall enemies; yet not willing, since he had gone so far with success, to loose all now by passion, he with silence obeyes them readily, and thereby cleerly finds the temper of the City to be positively resolute for Liberty and right, so that being sensible they might be trusted, he hopes shortly to make them an amends,

mends, which he had an occasion offered to do soon e
than he expected, for the Parliament had a double de- *is ungene-*
sign upon him, first to weaken him in his interest and *all'd.*
credit, by an employment which they knew would so
incense the City, and then while he is acting their un-
reasonable commands, they are busie in undermining
him in his power; for when he had done their design
as they thought, to the enraging of the Citizens, and
breeding in their hearts revengefull thoughts, he returns
to *White-Hall* upon *Friday* the 10th. Day of *February*, *He joynes*
upon which day his Commission did expire, instead of *with the*
the renewing whereof, which he might with much *City.*
justice have expected, as the reward of his merit, he is
made a Colonel again, and only made equal in com-
mand with six men more, as short of him in desert, as
in honesty, wherewith when he had acquainted the
Officers of his Army, who were much unsatisfied
with such a reward for their late abominated employ-
ment, agreed unanimously among themselves, that
the Parliament intended to lay them aside, notwith-
standing their former faithfull service to them, and to
perpetuate the Nations slavery, by their datelesness:
and therefore they resolved to march with their Gene-
ral into the City to joyn with them, and declare for
a free Parliament: to this purpose a conference is had
at the Three Tunnes near *Guild-hall*, where the City
and Army strike hands, at which time his Excellen-
cies Officers remonstrate the resent they had of the
violence they were commanded to offer that famous
City, which was of a stamp unparalleled in the most hor-
rid rage of former ages, whose barbarousness even spar-
red that, when they harass'd the whole Nation be-
side, then give warning of several persons, both with-

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in and without the City, whose tyrannous minds they feared, abhorring in an especiall manner a late petition delivered in the house by one *Praise-God Barebone*, being a treasonous libell, subversive of all order and Government, dangerous to religion, both in discipline and worship, and destructive to all Lawes, Statutes and Customes, even in fundamentalls, wishing at last the Parliament to think of determining their Session, and provide for future Parliaments.

This being, by his Officers I say, presented to his Excellency, and by him in a letter communicated to the Speaker, he marcheth into *London*, and taketh quarters, declaring for a free Parliament; and this blow was it, made Independency stagger, for so highly were both City and Country pleased with this Declaration, that they did hardly know in what manner to express their joy, ringing their bells, making bonfires, the air resounding nothing but the name and prayes of *Morock*, and the Streets filled with gratefull hearts, who on bended knees prayed for blessings on the head of the hoped restorer, both of the Church and Common-wealth, and in this resolution he persisted, notwithstanding all the flatteries, threatnings and snares of the house, who now studied nothing more than his ruine, as in him foreseeing their own, nevertheless he waits for the Parliaments answer to his last letters to them, but finding they neither minded him nor them, and thought of nothing but settling their own interest, and continuing themselves in power, he procures a conference between some sitting members of the house, and some of the honourable Gentlemen and worthy Patriots that were excluded from it, at which himself being in person present, and weighing judiciously

Free P.
promised

diciously the reasons and arguments formed on both sides, which he heard with a deep and reserved silence, after all were withdrawn, he concluded with himself, upon result from the whole, that the pretended settlement proposed by the house, was of compass too narrow, and too weak of foundation to bear up the Nation, and repair its breaches: he resolved therefore to withdraw all manner of force from the house, and to admit men of more sober, moderate, and less biased judgments, whose Spirits being more apt for publick good, would establish the Kingdom, upon termes comprehensive of every considerable interest therein: hereupon, on the one and twentyeth day of February, meeting the secluded members at *White-hall*, and expressing himself to them in a speech not delivered by himself, but by his Secretary, wherein he commended to their care,

*Secluded
members
admitted.*

1. Religion, that great *primum mobile & unum necessarium*, without which to live rather befits beasts than men, and this was proposed in the most sober and moderate way imaginable, yet neither countenancing error nor allowing libertinisme.

2. He commended to them the State, desiring them to be good Physitians to its crazed body, by applying futeable Physick, which (he said) he supposed would be a full and a free Parliament, upon whose resolves, as himself; so he doubted not but the whole Nation would acquiesce, he told them the house was open for them to enter, and prayed for their good success.

The secluded members being thus admitted, fall immediately to work where they were abruptly forced to break off in December. 1648. Confirming their Vote made then by another now, that the concessions

*How they
begin and
wherein
proceed.*

of

of the late King were a sufficient ground to proceed on for settling the peace of the Kingdom, hereby not only vindicating themselves, but as it were at once disannulling all that had been done as dissonant thereto, during the whole time of their recess.

This began to infuse a new spirit of life into the Kingdom, in whom at this springing season of the year, began a new to bud and peep out the bloomes of a too long frost-nipped loyalty, so that one now might have seen what twenty years before could never shew, countenances, that lately were dejected through the cruell tyranny of their Ægipitian task masters, now gather cheerfull looks, and like fresh blown roses yield a fragrant savour.

The Parliament thus sitting, freely vote his Excellency Lord Generall of all the forces in *England, Scotland, and Ireland*: by vertue of which Commission he disarmes all the Phanatick party, both in City and Country, the Parliament in the mean time providing to secure the Nation by two seasonable Acts, the one of Assessment, and the other of the Militia; the last empowering and arming Gentlemen, and Men of worth and power, to stand up for their Liberties, and Priviledges, and put the Country into a posture of defence, against all encroaching pretenders whatsoever; and the former enabling them to raise moneyes (which are the sinewes of war) for mainraining of the forces, so raised to assert their and our rights.

Thus settling the ancient Government of the City, and vacating the Phanatick power in the Country, they commend the establishment of the Nation to a full and free Parliament, to be called the 25th. of *April*, 1660. Issuing out writs to that purpose in the
name

name of the keepers of the Liberty of *England*, by authority of Parliament, and setting a Councell of State of most discreet and moderate men, to whom the affairs of the three Nations, in the intervall, and untill the meeting of the Parliament; on the aforesaid 25th. of *Aprill* was committed, who with much discretion managed their power, to the satisfaction of all sober minded men, and so (saving to the house of Lords their rights, notwithstanding the Commons were in this Juncture of time, put upon necessity to act without them) commending the Souldiery once more to his Excellency upon the sixteenth day of *March*, in the year of our Lord 1659. (a day worthy to be remembred) they dissolved themselves, and so at last put a legall period to that farall long-Parliament, which could not be dissolved by any but by it self. Long P.
legally
ended.

And thus we see Independency laid in the dust, and ready to give up the ghost, and indeed not long after we shall see fully to expire the *Prodromi*, of whose miserable end might be these and the like.

The Councel of State in this intervall of power, The inter-
vall. with very great caution and wariness, manage their affairs, turning neither to the right hand nor to the left, but keeping a direct course, as knowing *in medio ibunt tutissimi*, they set out a Proclamation against all disturbers of the peace, under what pretence or name soever, sparing none that in a time of such hopes durst either move a hand or tongue to work a disturbance, taking care also that the order of the last Parliament touching elections should be duly and punctually observed, as considering that the peace, or ruine of the Nation would lye in their hands. Elections
for a new
Parl.

His Excellency the Lord Generall in this *interregnum* accepts of severall invitations and treatments in the City

City by several of the worthy companies, yet still having an eye to the main, he keeps close to his Officers (who were not yet fully resolved) and often confers with them in a more familiar manner than ordinary, whereby he so wrought on them, that at last he brought them to declare that they would acquiesce in the resolves of the approaching Parliament; and indeed this was a shrewd forerunner of the fall of Independency, as I said before, whose only hope was builded on the averfeness of these men to lawfull power, which when they saw frustrated they might well despair; yet endeavour once more to endeavour a confusion, which being observed by the Council, and that a discontented Spirit possessed some of the old Officers and Grandees, according to the power given them to that purpose, they send for all suspected persons, confining them unless they subscribed an engagement to demean themselves, quietly, and peaceably, under the present Government, and acquiesce submissively in the determination of the Parliament next ensuing, which reasonable engagement *Lambert* and some others refusing, were carefully confined to several prisons, by which means the peace was wonderfully preserved: but notwithstanding all this care, such were the restless endeavours of that divellish faction, that (whether by the neglect or treachery of his keepers is not yet known) *Lambert* gets out of prison cunningly, who being a man of loose principles and desperate fortunes, so encouraged the Phanatick party, and stirred up their drooping Spirits, that they began to threaten great matters, and for perfecting their wicked design, begin to gather to an head near *Edg-hill*, which they hoped would prove to them an auspicious Omen for the beginning of a Second war, but Heaven would no longer

longer wink at such intollerable villanies, for the sins of these *Amorites* were fully ripe for judgment, so that they were discovered and quickly nipped in the bud, *Lambert* and his accomplices being so eagerly pursued by *Col. R. Ingoldsby* that they were suddenly forc'd ^{Taken and sent to the Tower.} to scatter and shift for themselves by flight, neither was that so swift or secure, but that *Lambert* was taken prisoner by the said *Col. Ingoldsby*, and sent prisoner up to *London*, at which time passing by *Hide park*, on the twenty fourth of *Ayrl*, he saw all the City Regiments both of horse and foot, Trayned Band and Auxiliaries, completer, armed, and trayned, and ready to hazard their Lives and Fortunes against all seditious and factious Traitors to their King and Country.

The news of this first appearance of armed loyalty ^{The first loyal muster.} being spread abroad into the Countreys, did so animate and encourage the old oppressed, that casting off their fetters and fears together, they begin to appear in their wonted guise, and because they were by the Phanaticks traduced as men of blood and full of revenge, not to be satisfied but with the utter ruine of their adversaries, thereupon to undeceive the vulgar, who might possibly have been misled by such lies, if not answered, did from their severall and respective Counties, as also in the Cities of *London* and *Westminster* declare, that they were far from any thoughts of ^{The Gentry declare.} revenge, it belonging to God alone (alluding to that text of Scripture, *Vengeance is mine, I will repay saith the Lord*) but as for Justice they would acquiesce in the judgment of the approaching Parliament.

This being done, and the whole Parliament at the appointed time, beginning first with their duty to God ^{The Parliament begins.} (they follow that golden *Pythagorean* rule.)



'Aðardrus

Ἀθανάτος μὲν πρῶτα θεός, ὅμως αἰς διδασκάλος
 Τίμα· ἃ σέβει ὅπου.) —————

giving him hearty thanks for that their freedom of meeting, which when they had cordially done, they fell in order to their Governour ———

First, They fear God, then honour the King.
 As the same Pythagoras goes on;

ἐπὶ δ' ἡσῶας ἀγαύας
 Τὸς π κατὰ χεῖρας σέβει δαίμονας ἐννομα πῆζαν

Kingly go-
 vernment
 void.

King pro-
 claimed.

The very Heathen we see, by the meer light of Nature, could dictate that which our Grand *Enthusiasts* of Religion would not for these many years, by the *ignis fatuus* of their new lighted notion walk after. But the Parliament were better principled, for after their devotions regularly paid to God, they in the very next place own their duty to their Prince, upon the first day of *May* (a happy day to be remembered to posterity) voting the Government to be by King, Lords, and Commons, a constitution so incomparably mixed, that it may rather be admired then envied: neither were they satisfied to rest there but on the Eighth day of the same *May*, caused his Majesty to be proclaimed King of *England, Scotland, France, and Ireland*, which was performed with so much Solemnity and Joy, as I presume *England*, I dare say hardly any Kingdome in the World, ever saw or were sensible of the like, the shouts and acclamations of the pleased people rending the very skies as a token of their extraordinary Thankfulness to Heaven, and at night by the multitude of their bonfires, turning the Darknesse into a kind of lightsome day.

This happy beginning thus owned by the general consent of all honest men, made the Parliament resolute to prosecute

cute their begun endeavours ; which the more orderly to do (for order befitteth men best both as Subjects and Christians) they immediately prepared Commissioners, who were persons choyce for their integrity and wisdom, (like those heads of the children of *Issachar* which were men that had understanding of the times to know what *Israel* ought to do) being intrusted to wait on his Majesty, and to desire him to come to his Parliament and People with all convenient speed. Before whose arrival his Majesty had withdrawn himself from *Bruxels*, not upon any account as was by the ignorant and malicious insinuated, but out of a design of safe guard to his own sacred Person, as knowing those two principles of the *Romanists*, (*si violandum est jus, Regni causa violandum est; and nulla fides servanda est hereticis*) might prove dangerous, if not fatal to his interest as affairs then stood. He well remembered *Richard* the first his case surnamed *Cœur-du-Lion*, and what his detention once cost *England*, and therefore had no reason to cast himself into the like hazard. Therefore having discharged all Accounts whatsoever at *Bruxels*, he as (I said) removes his Court to *Breda*. As that first, he might hold the more certain and quick intelligence with his friends in *England*, where there hardly wanted any thing to complete his Restoration and the Kingdomes satisfaction, but his Personal presence ; so in the second place he there knew himself safe, being within the jurisdiction of his beloved sister, the Princessse Royal *Mary* Princessse of *Orange*, whose tender love and zeal to him in his affliction deserves to be written in brasse, and graven with the point of a Diamond.

Commissioners sent to the King

King at Breda.

During the time of his residence there to shew him-

himself to be a second *Solomon*, a Prince of Peace, and not onely so, but the most pious and merciful of Princes, who was wise as a Serpent, yet innocent as a Dove, by the Honourable the Lord Viscount *Mordant* and Sir *Richard Grenvile* (since by his Majesties special grace created Earl of *Bath*) Gentleman of his Majesties Bedchamber; He sent a most gracious Declaration, with respective Letters to the Lords, to the Commons, to the City, and to the Army:

Whetein,

His Majesty's Declaration layes Independency dead.

His Majesty first offers a Pardon for all mis-carriages and misdemeanors against his Father, or himself, to all persons (such onely excepted as shall be excepted by the Parliament,) promising likewise securitie to all, whose guilt might otherwise endanger them; so as they laid hold on his Majesties Pardon within 40. dayes after the publication thereof.

2. He refers the purchasers of Kings, Queens, and Bishops Lands to Justice, to the Law, and to the Parliament.

3. He assures the Souldiery of their Arrears for past services, although done against him, and of incouragement and pay for the future under him.

This Declaration was received with no ordinary joy and solemnity, the messenger *Sr. John Grenvile* being rewarded

warded with 500. pounds to buy him a Jewell, and upon reading thereof and a conference had with the Lords, (who had now reassumed their Native right by taking their places in the higher House) they agree unanimously each in their several-house; That a Letter be sent in answer to his Majesties gracious Letter and Declaration, superscribed *To his most Excellent Majestie*; which were since more immediately drawn up and sent by Commissioners (before prepared as is already mentioned) fixe from each House, who were in the name of both Houses,

1. To give his Majesty most humble and hearty thanks for his gracious Letter and Declaration.

2. To desire his Majesty to return to the exercise of his Regal Office, and come to his Parliament and people with all speed possible.

And thirdly, to that purpose to desire him to appoint a place for the Navy to attend him: the Commissioners that went from the house of Peeres were these.

The Earl of Oxford,	}	Lord Brook,
Earl of Warwick,		Lord Berckley,
Earl of Middlesex,		Lord Visc. Hereford.

*Commissioners
names that
went to the
King.*

Of the House of Commons were selected
these following,

Lord Charleton,	}	Sir George Booth,
Lord Bruce,		Sir John Holland,
Lord Falkland,		Sir Antho. Ashly-Cooper,
Lord Mandevile,		Sir Horatio Townsend
Lord Herbert,		Sir Henry Cholmly,
Lord Faifax.		Mr. Hollis.

The

The City of *London* having also received the like Letters and Declarations, the Lord Mayor, Aldermen and Common-Council appoint a loyal and humble answer to be returned, wherein they give his Majesty thanks for his tender care, grace and favour to their ancient and renowned City, which was sent by these worthy Gentlemen.

For the City of *London*.

Alderman <i>Adams</i>	<i>William Bateman Esq.</i>
Recorder <i>VVilde</i>	Alderman <i>Bludworth</i>
Alderman <i>Robinson</i>	Major <i>Chamberlin</i>
Alderman <i>Bateman</i>	Colonel <i>Bramfield</i>
<i>Theophilus Biddolph</i>	Sir <i>James Bunce Bar.</i>
<i>Richard Ford</i>	Alderman <i>Langham</i>
Alderman <i>Vincent</i>	Alderman <i>Reinoldson</i>
Alderman <i>Frederick</i>	Alderman <i>Brown</i>
Alderman <i>VVale</i>	Sir <i>Nicholas Crispe</i>
<i>John Lewis Esquire</i>	Alderman <i>Tompson</i>

All these Letters were sent away, but the first that arrived to his Majesties hand was from his Excellency the Lord General *Monck*, who by the leave of the House sent the same by his brother in Law, Sir *Thomas Clergies*, who was (as being the first) beyond all expression welcome, and after some long but not tedious conferences Knighted, and at length dismissed with as much kindnesse as he was at first received with joy.

Commissioners how received by the King.

After whom arrived shortly all the forenamed Commissioners, together with some of the Ministry, and were received by his sacred Majesty, his two illustrious brothers of *Tork* and *Glocester*, and his sister of

Orange

Orange, with demonstrations of affections on both sides such as are not capable of a description by my rude pen, for they were such as may be imagined onely not defined, like the joyes of a condemned soul now at point to dy, when suddenly and beyond expectation it is not onely snatcht out of the very jawes of death, but mounted aloft into a seat of Honour, how it is even overpressed with the overflux of such a sudden, yet joyful change, and stands extasied, not knowing, or at least not well discerning the realities of those violent emotions under the happinesse whereof it at present labours; which surpassing joy grown over, and they dismissed with abundance of satisfaction, with all speed his Majesty according to the earnest request of his Parliament prepared for *England*, his Royal brother, the most illustrious Duke of *York*, Lord high Admiral, taking order for the Navy. And in the way to the Seaside his Majesty was honourably entertained by the States General at the *Hague*, of whom having taken his leave, and thanked them for their Treatment and Presents, he proceeded in his journey.

During this time, the Navy under the conduct of General *Mountain*, was come to attend and wait on his Royal pleasure; upon notice of which, attended by the Princessse of *Orange* and her son, and the Queen of *Bohemia*, he comes aboard the *Nasty* Frigot, by him then named the *Charles*, and after a repast there, parting with high satisfaction, pleasure and content on both sides, with his Royal and Princely attendants, he lancht forth, and quickly with a prosperous and safe gale of wind, *anunense Cælo*, came within two leagues of *Dover*, (a place formerly not so infamous for receiving the Barons in their rebellious wars against the King, and

The King comes aboard for England, and lands at Dover.

Monck meets him,

and harbouring *Lewis of France*, as now it was famous for its loyalty in the joyful reception of its lawful Sovereign) when he was come thither, he sends Post for the General (being resolved not to set foot on *English* ground till he came thither) who upon the first hearing of that happy news , presently took Post to meet him , having before taken care for Pallaces to entertain him, and left order for several Regiments of Horse to attend him, for his Majesties security ; Providing with valor against open enemies, and with prudence against pretended and basely false friends, which being performed according to Order, His Excellency waites upon his Majesty at *Dover*.

He is no sooner come thirher, but upon knowledge thereof, the King Landed, at whose Honored feet in the most humble posture of a Loyal Subject , on his Knees Our Great General presents himself, and was received and imbraced by his Majesty in the open armes of an endeared mercy , with so much affection as might well manifest the great respect the King bore to his high deserts; for to shew that his embrace was signal, and far from a meer complement , he went nearer and kissed him. No endearment is ever thought too great , where there is grounded Love , neither rested he there, but like a true friend and lover indeed, takes a delight in his society ; for the more clear demonstration whereof to all the world , he took him

KINGS
journey to
London,
and the
manner of
it.

with his two Brothers the Dukes of *York* and *Glocester* into his Coach with him to *Dover* afore said, where after a dutiful acknowledgment from the Magistrates there, and solemn though short entertainment he rid to the City of *Canterbury* (so famed for her Arch-bishops Sea) his Majesty being in the middle between his

two

two brothers; and the Duke of *Buckingham* and the General riding bare before him.

In this Equipage with the whole Gentry and Nobility of *England* attending, and thousands of the meaner ranke; he arrived as I said at *Canterbury*, being met by the Mag stracy in their richest habiliments of Honour, and by the Ministry of the place, who after a grave Speech and hearty Gratulation, presented him with a rich Bible as *He was Defender of the True Faith*, and afterwards with a Golden Boul full of Gold, rendering it *as a Tribute to him to whom Tribute was due*. From *Canterbury*, where he rested all Sunday, and gave thanks to God his Father and mighty Deliverer. On Munday he came to *Cobham-Hall* in *Kent*, a House belonging to the Duke of *Richmond*, but without any stay there passed on the same night to *Rochester*, from whence on *Tuesday, May the 29.* (the day of the week which was fatal for the murder of his Royal Father, but happy to himself, not onely for his Birth, but also for giving the first hopes of his long wished and prayed for return by the Vote of the Parliament on *Tuesday the 1. of May*, and his being proclaimed *nemine contradicente* on *Tuesday the 8. of May.*) I say on that day, attended by the Duke of *Buckingham*, the Earle of *North-hampton*, the Earle of *Cleveland*, the Earle of *Norwich*, the Earle of *Shrewesbury*, and many others with their severall respective Troops of the choyce Nobles and Gentry of the Land, and his Excellency with many Regiments of his best Horse, the Lord *Gerard* with the choyce Life-guard, and the whole Countrey flocking in, & cutting down Palmes, and strowing the wayes with all sorts of Fragrant Flowers and decking the Lanes and Passage, with the greatest variety of

P

Country

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Country Pumps, Garlands, beset with Rings, Ribands and the like, the Air ecchoing all along and redoubling the perpetually iterated *Hosanna's*; He came to *London* (*The Metropolis of his Kingdome*, whose preparations were no lesse sumptuous then joyful,) making a short stay onely at *Black-heath*; (a place many yeares since, and more then once noted and remembred for the tumultuous assemblies of several Rebels, but now much more famous for the united Congregation of the whole Kingdomes Loyalty) from hence about noon, order was given for a speedy march to *London*, in which Major General *Brown* did lead the Van with a compleat Troop of Gentlemen, all in cloth of Silver Doublets: Alderman *Robinson* followed him with an other select company, the severall Lords came after with their respective Troops, then came the Life-Guard: After the Marshals and Heralds, with some antient Lords, the Duke of *Buckingham*, and the Lord Generall bareheaded; and then his Majesty rid between his two brothers, the Duke of *York* on the right hand, and the Duke of *Glocester* on the other; after whom followed his Excellencies Life-guard, and then the Regiments of the Army all completely accoutred with back breast and Pot. In this order they came to Saint *Georges* fields, in a part of which towards *Newington* was a Tent erected, in which the Lord Mayor, and Aldermen in their most solemne Formalities, with their Officers, Servants, Livery-men, and Lackeyes innumerable waited, to which place when his Majesty came, the Lord Mayor presented him on his knees with all the *Insignia* of the City, viz. *Sword, Mace, Charter, &c.* Which he immediately returned with promise of Confirmation, and conferred the Honour

*King rides
through
the Citie.*

nour of Knighthood on the Lord Mayor in the place, whereafter a short refreshment, three hundred in Velvet Coats and Chains representing the several Companies passing on before, the Lord Mayor bearing the Sword before the King, they proceeded in an excellent order and equipage into and through the City, which was all hung with Tapistry, and the Streets lined on the one side with Livery men, on the other side with the Trained Bands, both taking and giving great satisfaction, until at last even tyred with the tedious pleasure of his Welcome Journey, he came to the Gate of his Pallace of *Whitehall*, which struck such an impression of greif into his sacred heart, by the Remembrance of his Fathers horrid Murther there, as had almost burst forth, if not stopt or recalled by the Joy he received from the acclamations of the people, and the thought that he was peaceably returned after so many years unto His own House.

The King being come in, went presently to the Banqueting House, where the Houses of Parliament attended for him, to whom the two Speakers severally made an incomparable Speech, wherein, with great eloquence, they set forth the many years misery under which the Nation laboured, then repeated the Kingdomes Joyes at present, for their hoped happinesse in the future by his Majesties Restauration, and so commended to his Princely care his three Kingdomes and people, with their Laws and priviledges, whereto the King in a Majestick style, made this short, but full return.

That he was so disordered by his Journey, and the Acclamations of the people still in his Ears, which yet pleased him as they were demonstrations of Affection and Loyalty, that he could not express himself so full as he wished, yet promised them, that looking first to Heaven with a Thank-ful heart for his Restoration, he would have a careful Eye of especial grace and favour towards his Three Kingdomes, protesting that he would as well be a Defendor of their Laws, liberties, & properties, as of their faith.

Having thus received and taken several Congratulations and Entertainments, and dismissed his Noble, Honourable, Worshipful, and Reverend Guard of the Nobility, Gentry, Citizens, and Ministry, he retired to Supper, and afterwards having devoutly offered the Sacrifice of Prayer and Praise to the most high, for his safe return, he went to his Repose and Bed. The first Beam that darted from our Royal Sun, infused such a sense of piety into the peoples Affection, that it even made them break into an Excess of Joy, it was that happy Omen of a vertuous Government, the admirable Proclamation against debauchednesse, (wherein such is his Majesties zeal) he takes no notice of his Enemies, but our sin which had so long occasioned his exile, not sparing therein those who pretended to be his friends, yet by their prophanenesse, diserved him. A happy Prince and happy people
sure.

sure ! where the Extremity of Justice endeavoureth to take nothing from the Subject but a Liberty to offend, which so highly pleased the people, that their Joyes rather increased then diminished according to that of the Poet.

— *Littora cum plausu clamor, superasq; Deorum
Implevere Domos, gaudent, generumq; salutant
Auxiliumque Domus servatoremq; fatentur.*

The Shores ring with applause, the Heavens abound
With grateful Clamours which therein resound.
All men salute him, Father, Prince, and King;
That home again their baniish'd peace doth bring.

Which is further also expressed by the Poet in these words,

— *Largis satiantur odoribus ignes
Sertaque dependent tectis, & ubique lyraque
Tibiaque & cantus animi felicia lati.
Argumenta sonant: reseratis anrea valvis
Atria tota patent, pulchroq; instructa paratu
— Procures ineunt convivium Regis.*

The Bonfires light the Skie, Garlands adorn
The Streets and Houses: Nothing is forborn
That might expresse full joy, while to his Court
The King by Nobles follow'd doth resort,
And in their Feasts Gods wondrous Acts report.

So

So restless were the Nights of our pious King, that he began to account all time spent in vain and amisse, wherein he did not do or offer some good to his Kingdome: to this purpose, on the first of *June*, (the very next day but one after his Arrival, accompanied with his two Brothers and Sir *Edward Hide*, Lord Chancellour of *England*, with many other honourable persons, went by water to the House of Lords, where having seated himself in his Royal seat, the Black Rod was sent to the Commons to inform them of his being there: They immediately adjourned, and with their Speaker, waited his Majesties pleasure, who in a short speech acquainted them with the Occasion and Cause of his present sending for them, *viz.* To pass those Bills which he understood were prepared for him; the said Bills being therefore read according to ancient form by the Clerk of the Crown, were passed by his Majesty,

First, The Bill constituting the present Convention to be a Parliament.

Secondly, For authorizing the Act of Parliament for 70000. *l. per mens.* for 3 moneths.

Thirdly, For Continuance of *Easter* Term and all proceedings at Law, which done the Lord Chancellor *Hide* in a pithy Speech, told both Houses with how much readinesse his Majesty had passed these Acts and how willing they should at all times hereafter find him, to pass any other that might tend to the advantage and benefit of the people, desiring in his Majesties behalf, the Bill of Oblivion to be speeded, that the people might see and know his Majesties extraordinary gracious care to ease and free them from their

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III

their doubts and fears, and that he had not forgotten his gracious Declaration made at *Breda*, but that he would in all points make good the same.

Things being brought to that happy issue, the King wholly intends to settle the Kingdome, and because that in the multitude of Counsellors there is both peace and safety, he nominates and elects to himself a Privy Council, whereof were,

The Duke of <i>York</i>	Lord <i>Seymour</i> .
The Duke of <i>Glocester</i> .	Lord <i>Say</i> .
The Duke of <i>Somerset</i> .	Lord <i>Howard</i> .
The Duke of <i>Albemarle</i> .	Sir <i>Atho. Ashly Cooper</i> .
The Marquis of <i>Ormond</i> .	Sir <i>William Morris</i> .
The Earl of <i>Manchester</i> .	Mr. <i>Hollis</i> .
The Earl of <i>Oxford</i> .	Mr. <i>Annesley</i> .
The Earl of <i>Northampton</i> .	

On several such men he bestowed great offices, as Marquess of *Ormond* to be Lord Steward of His Honourable Household. The Earl of *Manchester* Lord Chamberlain. The Duke of *Albemarle* to be Master of the Horse, and Knight of the Garter. Sir *Will. Morris* one of the Secretaries of State: which took up some time, in which the Parliament according to the Kings desire proceeded in the Act of Oblivion, which at last, after many tedious and strong debates passed both Houses, and on the day of in the Twelfth year of his Majesties Reign, had his Royal assent and was confirmed, wherein were excepted from pardon both as to Life and Estate,

John

John Lisle
William Say
Sir Hardresse Waller
Valentine Vauton
Thomas Harrison
Edward Whalley
John Hewson
William Goffe
Cornelius Holland
Thomas Chaloner
John Carew
John Jones
Miles Corbet
Henry Smith
Gregory Clement
Thomas VVogan
William Heveningham
Isaac Pennington
Henry Martin
John Barkstead
Gilbert Millington
Edmund Ludlow
Edmund Harvey
Thomas Scot
William Cauley

John Downes
Nicholas Love
Vincent Potter
Augustine Garland
John Dixwell
George Fleetwood
Simon Meyne
Sir Michael Livesey
Robert Titchburn
Owen Row
Robert Lilburn
Adrian Scroop
John Okey
James Temple
Peter Temple
Daniel Blagrove
Thomas VVayte
John Cooke
Andrew Broughton
Edward Dendy
William Hewles
Hugh Peters
Francis Hacker,
and
Daniel Axtell.

Who had fate in judgement on, sentenced to death
 and did sign the instrument for the horrid murder, and
 taking away the precious Life of our late Sovereign
 Lord King *Charles* the First, of Glorious memory; se-
 veral of whom have by divers means in sundry places
 been taken, and others have surrendred themselves
 according

according to a Proclamation of summons set out by the King for that purpose, the persons that surrendered themselves were these.

<i>Owen Row</i>	<i>George Fleetwood</i>
<i>Augustine Garland</i>	<i>James Temple</i>
<i>Edmund Harvey</i>	<i>Thomas VVayte</i>
<i>Henry Smith</i>	<i>Peter Temple</i>
<i>Henry Marten</i>	<i>Robert Lilburn</i>
<i>Simon Meyne</i>	<i>Gilbert Millington.</i>
<i>VVilliam Heveningham</i>	<i>Vincent Potter,</i>
<i>Isaac Pennington</i>	<i>Thomas VVogan,</i>
<i>Sir Hardress Valler</i>	<i>and</i>
<i>Robert Titchborn</i>	<i>Iohn Downes,</i>

And therefore though they be all attainted & convicted of High Treason by the Law of the Land at a fair and legal Trial by a Special Commission of *Oyer and Terminer* directed to several of the Judges learned in the Law, and to divers other worthy and honourable persons, yet they are not to suffer the pains of death, but their executions are to be suspended until his Majesty by the advice and assent of the Lords and Commons in Parliament shall order the execution by Act of Parliament to be passed to that purpose.

The persons that have been taken were,

<i>Thomas Harrison</i>	<i>Thomas Scot</i>
<i>Adrian Scroop</i>	<i>Iohn Cooke</i>
<i>Iohn Carew</i>	<i>Hugh Peters</i>
<i>Iohn Iones</i>	<i>Daniel Axtel,</i>
<i>Francis Hacker</i>	<i>and</i>
<i>Gregory Clement</i>	<i>VVilliam Henlet.</i>

Q

Thomas

Thomas Harrison having received his Tryal, and being condemned to be hanged, drawn and quartered, accordingly on *Saturday* betwixt nine and ten of the clock in the morning the thirteenth of *October* 1660, he was drawn upon a hurdle from *Newgate*, to the place that is rayled in by *Charing-cross*, where a Gibbet was erected, and he hanged with his face looking towards the Banqueting-house at *White-hall* (the fatal place pitched upon by those infernal Regicides, for the solemn murder of our late Sovereign *Charles* the first, of glorious memory) when he was half dead, the common Hangman cut him down, cut off his privy members before his eyes, then burned his bowels, severed his head from his body, and divided his body into four quarters, which were sent back upon the same sledge that carried it, to the prison of *Newgate*, from thence his head was brought and set on a pole at the *South*-end of *Westminster-hall*, looking toward the City of *London*, but his Quarters are exposed to view, as a publick example upon some of the Gates of the same City.

His pleading at his arraignment were nothing but treasonable and seditious speeches, rather justifying the crime he had committed, then any whit relenting; and so he continued a desperate Schismatick to the Church of *England* to the last moment of his breath.

2. *John Carey* was the next that followed, who at the time of his tryal, endeavoured onely to justify the late Rump and their actings, but that would not serve his turn, for it was proved that he did consult and meet together with others how to put the King to death, that he sat at the time of the sentence, and signed the Warrant for execution, so that the

Jury

Jury found him guilty of compassing and imagining the Kings death ; for which he was also condemned to be hanged, drawn, and quartered, &c. which sentence on *Monday* the fifteenth of *October*, in the morning, was put in execution on the body of the said *Carew*, his Quarters being likewise carried back on the Hurdle to *Newgate* ; but such was the goodness of his Majesty, that upon the humble intercession of his friends, he was graciously pleased to give them his body to be buried, though his execrable treasons had merited the contrary.

3,4. The next in order, were Mr. *John Coke* the Solicitor, and Mr. *Hugh Peters* that Carnal Prophet, and Jesuitical Chaplain to the trayterous High Court ; upon *Cooke's Trial* it was proved against him, that he examined witnesses against the King, that he was at the drawing of the Charge, that he exhibited it in the name of the Commons assembled in Parliament, and the good people of *England*, that this Charge was of High Treason, that he complained of delays, prayed that the Charge might be taken *pro Confesso*, and at last, that it was not so much he as innocent blood that demanded Justice, and that notwithstanding all this, he acknowledged the King to be a gracious and wise King, upon which the Jury found him guilty.

2. Then *Peters* was set to the Bar, against whom was proved, that he did at five several places consult about the Kings death, at *Windsor*, at *Ware*, in *Coleman-street*, in the *Painted Chamber*, and in *Bradshaw's* house, that he compared the King to *Barrabas*, and preached to binde their Kings in chaines, &c. That he had been in *New England*, that he came thence to destroy the King and foment war, that he had been in

arms, and called the day of his Majesties Tryal a glorious day, resembling the judging of the world by the Saints that he prayed for it in the *Painted Chamber*, preached for it at *White-hall*, *St. James's Chapel*, *St. Sepulchres*, and other places: upon which proofes the Jury finding him guilty also, of compassing and imagining the Kings death, the Court sentenced them, *viz.* (*Cooke* and *Peters* both) to be led back to the place from whence they came, and from thence to be drawn upon a Hurdle to the place of execution, &c. On *Tuesday* following, being the sixteenth of *October*, they were drawn upon two Hurdles to the rayled place near *Charing-crofs*, and executed in the same manner as the former, and their Quarters returned to the place whence they came: since which, the head of *John Cooke* is set on a Pole on the *North-east* end of *Westminster-hall* (on the left of *Mr. Harrison*) looking towards *London*; And the head of *Mr. Peters* is placed on *London Bridge*, their Quarters also being exposed upon the tops of some of the Gates of the City.

5. The next brought to Tryal, were *Scot* and *Clement*, *Scroope*, and *Jones*; against *Thomas Scot* was proved, that he did sit and consult about the Kings death, that he agreed to the sentence, and signed the Warrant, whereby the King was murdered, that since he hath owned the business of the Kings death, by glorying in it, defending it, and saying he would have it engraven on his Tomb-stone, that all the world might know it, which being high aggravations of his crime, he was soon found Guilty by the Jury.

6. Then *Gregory Clement* was set to the Bar, who immediately confessed himself Guilty, *modo & forma*, and

so without troubling the Jury was set aside till Judgment.

7. Next was brought Mr. *Iohn Jones* against whom the proofs were short, that he did sit upon the King in that monstrous Court, and that he signed the Sentence and horrid Instrument whereby the King was ordered to be put to death, upon which the Jury found him guilty.

8. Then *Scroop* was tried upon the like Indictment for compassing the Kings death, and against him was proved that he sate in the Court, and did Sentence the King, and sign the bloody Warrant, and after the coming in of his Majesty that now is, justified the committing of that detestable murder, for which the Jury finding him guilty, the Court gave sentence of death against them as the former to suffer as Traytors, and accordingly on *Wednesday* the 17. of *October*, about 9. of the clock in the morning. Mr. *Thomas Scot*, and Mr. *Gregory Clement* were brought on several hurdles to the Gibbet erected near *Charing cross*, and were there hanged, bowelled and quartered, and about an hour after Mr. *Adrian Scroop*, and Mr. *Iohn Jones* together in one hurdle were carried to the same place, and suffered the same pains of death, being afterwards returned to *Newgate*, and thence their quarters placed on several of the City Gates, and their heads deservedly disposed on the top of *London Bridge* and other places.

These being thus dispatched, & having received the reward of their Treason, Mr. *Daniel Axtel*, and Master *Francis Hacker* were brought before the Court to be tried; Against the first of whom, *viz. Axtel*, was in proof, that is the imagining and compassing the death of

of the King, that he bid his Souldiers cry out Justice, Justice, and Execution, Execution; and beat them till they did it; That he bid shoot the Lady that spoke and call'd *Cromwel* Traytor, saying, not a quarter of the people of *England* consented to their wicked Charge; that he said to Col. *Huncks* upon his refusal to sign the warrant for executing the King: *I am ashamed of you, the Ship is now coming into Harbour, and will you strike sayle before we come to Anchor*; that he laughed at the Transactions, as applauding them while others sighed; that after the King was murthered, he kept Guards upon the dead body, and knew who cut off the Kings head, having sent one *Elisha Axtell* for the Executioner; upon which proof the Jury found him guilty of the said Treason whereof he stood indicted.

10. *Francis Hacker* was arraigned, and by diverse witnesses it was sworn against him, that he was Commander of the Halbeteers, who kept the King prisoner, and would not suffer any access to be unto him; that he guarded him to their moek-Court, and after kept him sure till he was murthered; that he was one of the persons to whom the Warrant for execution was directed, and that he signed it, that he brought the King to the fatal block and was upon the scaffold, being a principal agent about the Kings death; for which horrid Treason the Jury found him guilty: after which the Court sentenced both him and *Axtell* to suffer death as Traytors, according to which judgement they were on *Friday* the 19. of *October*, about 9. of the clock in the morning, drawn upon one hurdle from *Newgate* to the common place of execution, generally called *Tyburn*, and there were hanged. Mr. *Axtel* was bowelled and quartered and so returned back and disposed as the former,

mer, but the body of Mr. *Hacker*, by his Majesties great grace and favour, and at the humble suit and intercession of his friends was given to them entire, and by them afterwards buried.

The last of this crew that was for present execution was *Will. Huler*, against whom was proved that he was one of those which came with a Frock on his body, and a Vizor on his face to perpetrate the horrid murder on the Person of the King, and that being so disguised upon the Scaffold, he fell down before the King and asked him forgiveness, being known by his voice; that himself said, He was the man that beheaded *K. Charles*, &c for that he had one 100^l. and preferment. That *Hewson* said of him that he did the Kings business upon the Scaffold; That he either did cut it off, or took it up and said, Behold the head of a Traytor. That being questioned about the said words, he said, whosoever said it matters not; I say now, it was the head of a Traytor, with many other things to the like purpose; for which most abhorred Treason, the Jury found him guilty, and he was condemned to be hang'd drawn and quarter'd at *Tyburn*.

This was the deserved Catastrophe that was set to these men, who without any reason, nay contrary to reason, Lawes both Divine and Humane, yea, even in defiance of Heaven, dipped their hands in the sacred blood of their lawful Sovereign, according to that of the Wiseman, *The eye that mocketh his Father, (Rex Pater Patriæ) and despiseth his Mother, (Ecclesia est Mater) the Ravens of the Valley shall pick it out;* which which we see befallen them, their heads in several places being become a spectacle both to Angels and Men, and a prey to the Birds of the Aire.

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In the last place, it is provided by the said Act of Oblivion, that if *William Lenthall, Will. Burton, Oliver St. John, John Ireton* Alderman, *Col. John Disbarrow, Col. Will. Sydenham, John Blackwel of Moreclack, Christ. Pack* Alderman, *Richard Keeble, Charles Fleetwood, John Pyne, Rich. Dean,* Major *Richard Creed, Philip Nye* Clerk, *John Goodwin* Clerk, *Sir Gilbert Pickering, Col. Thom. Lister,* and *Col. Raph Cobbet,* shall after the 1. of September 1660. accept or exercise any Office Ecclesiastical, Civil or Military, or any other publick employment within the Kingdome of *England,* Dominion of *Wales,* or Town of *Barwick upon Tweed,* that then such person or persons as do so accept or execute as aforesaid, shall to all intents and purposes in Law stand, as if he, or they had been totally excepted by name in the Act. The like penalty is imposed on all such who did give sentence of Death upon any person or persons in any of the late illegal or Tyrannical high Courts of Justice, or signed the Warrant for execution of any person there condemned.

Thus by the blessing of God I have waded through the many intricate Meanders and Revolutions, untill at last I have as it were brought you by the hand to see that desperate Faction of Independency (as one may say,) laid into its Grave; all the heads thereof being so annihilated by the Justice of the known Law of the Land, that I hope its memory shall be raked up in such an Eternal forgetfulness, that posterity seeing no foot-steps thereof, shall conceive it to be a bare name, a mere notion, or aliquid non ens, of which in nature there can be no subsistence.

An Appendix.

HOW far the Treasons of faction have reached, and how high they durst soare is to be seen before, I shall onely now in short give a hint how highly the Law of *England* resents such impious acts: I say then, the wisdom and foresight of the Laws of this Land in all cases of Treason maketh this judgement: that the Subject that riseth or rebelleth in forcible, to overrule the royal will and power of the King, intendeth to deprive the King both of Crown and Life, and this is no mystery or quidity of the Common Law, but an infallible conclusion drawn out of reason and experience; for the Crown is not a ceremony or Garland, but as Imperial consisteth of preheminance and power. This made former Traytors in all their quarrels against their Princes, not to strike down-right, because God unto Lawful Kings did ever impart such beams of his own glory, as Rebels never durst look straight upon them, but ever turned their pretences against some about them; this caused the Judges sometime to deliver their opinions for matter in Law upon two points.

The first, that in case where a subject attempteth to put himself into such strength as the King shall not be able to resist him, and to force and compel the King to govern otherwise then according to his own royal authority and direction, it is manifest rebellion.

The second, that in every Rebellion, the Law intendeth as a consequent, the compassing the death and deprivation of the King, as foregoing, that the rebel will never suffer that King to live or reign, which might punish or take revenge of his treason; And

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this is not onely the wisdom of the Laws of our own Kingdome, but it is also the censure of forraign Laws, the conclusion of common reason, (which is the ground of Law) and the demonstrative assertion of experience, which is the warranty of all reason.

- I. For the first the Civil Law, that saith, Treason is nothing else, but *Crimen Laesae vel diminutae Majestatis*, making every offence which abridgeth or hurteth the power and authority of the Prince, as an insult or invading of the Crown, and extorting the imperial Scepter.

And for common reason and experience, they cry, it is not possible that a Subject should once come to that height, as to give law to his Sovereign, but what with terror of his own guilt, and what with the infolency of the change he will never permit the King if he can chuse to recover his authority, nay or to live. Experience further tells us, and 'tis confirmed by all stories and examples; two notable ones we had formerly in our own Chronicles, the first of *Edw.* the 2^d. who when he kept himself close for danger, was summoned by proclamation to come and take upon him the Government, but as soon as he presented himself, was made prisoner, next forced to resign, and shortly after, was tragically murdered in *Berkly-Castle*. The other is of *K. Rich.* the second, before whom the Duke of *Hereford* (afterwards *K. Hen.* the 4th) presented himself with three seemingly humble, but indeed flattering reverences, yet in the end both deposed him and put him to death: but our own experience outvies all else, in the Horrid murder of our late dread Sovereign, which is related in the former parts, the punishment whereof is fully related in this last part, and therefore I shall no more thereof in this place.

You

You may have observed that the practice of our Regicides was after they had ruined the Gentry, to advance their own kindred and allies, though never so insufficiently unworthy, to the most profitable places of the Common wealth; by which means all kind of exorbitances were committed without controul, the Death of the King being attended with infinite oppressions, as in such changes is usual; which made Writers say, that the Death of *Cæsar* was no benefit to the Romans, but rather brought greater Calamities on them they underwent before, as may be found in *Aspian*. The success was the like when *Nero* fell, for the next year that followed after his Death, felt more oppression, and spilt more blood than was shed in all those nine years wherein he had so tyrannically reigned. So when the *Athenians* had expelled one Tyrant, they brought in thirty; and when the *Romans* expelled their King, they did not put away the Tyranny but only change the Tyrants.

But such and so tender is the hand of heaven over us, that he hath not only restored our Kings as at the first, and all our Counsellors as at the beginning, but brought us home our King so accomplished and pious, that we must needs confesse with the Children of *Israel*, because the Lord hath a delight in us, therefore hath he made him King over us.

Oh then let us render without grudging unto *Cæsar* the things that are *Cæsars*, acknowledge him as Gods immediate Vicegerent, not prescribing him in what manner we will be ruled, nor by what means: But in all things with obedience and humility to submit to his command, like *Julian* the Apostata's Soldiers who would not sacrifice at his words, *sed timendo potestatem, contemnebant potestatem*, in fearing the power of God, they regarded not the power of man; yet when he led them against his enemies.


enemies, *Subditi errant propter Dominum eternum, etiam Domino Temporalis.*

I will conclude all with one word of Advice: Since God hath so bettered our condition, that our words are hardly able to express our happinesse, to avoyd the danger of a relapse through a too carelesse security, let circumspection & moderation take away all bitterness, rather reflecting on the offences then the persons of any offenders, so it may be those concerned will not be so desperate to proceed on further in their wicked courses, but with speed retire, and make some recompence to injured parties, by their future provident endeavours for the Common good. And for these Loyal hearts who have borne the brunt of the storm both at home and abroad; since God hath rescued them as brands out of the fire, 'tis hoped they will be nothing the more secure in their vigilant care of future occurrences, having alwayes a provident eye for the timely prevention of such inconveniencies, as might steal on them in their own, or be intended against them from forrain parts. That so the Throne of our *Solomon* may continue for ever, and peace be upon our *Israel*.

Πάριον διὰ Νῆα.

Sed & bene velle meretur veniam. Cicero.

THE END.

 There is now in the Press ready to come forth, that so much desired Book, intituled, An Exact History of the Life and Actions of Hugh Peters: As also his Diary, Sold by H. Brome, and H. Marsh, &c.

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